

Confidential

Page 1

S. Chabot

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF OHIO

CIVIL ACTION NO: 1:18-cv-00357-TSB-KNM-MHW

OHIO A. PHILIP RANDOLPH

INSTITUTE, et al.

Plaintiffs,

vs.

RYAN SMITH, Speaker of the Ohio

House of Representatives, et al.

Defendants.

\_\_\_\_\_/

\*\*\*CONFIDENTIAL\*\*\*

DEPOSITION OF STEVEN J. CHABOT

WASHINGTON, D.C.

Monday, December 3, 2018

REPORTED BY: Ronda J. Thomas, RPR, CRR

Job No. 149790

1 S. Chabot

2  
3  
4  
5  
6 Monday, December 3, 2018

7 10:30 a.m.

8  
9 The deposition of STEVEN J. CHABOT was  
10 held on Monday, December 3, 2018 at the Law Offices  
11 of Baker & Hostetler LLP, 1050 Connecticut Avenue,  
12 N.W., Washington, D.C. 20036, before Ronda J.  
13 Thomas, Registered Professional Reporter, Certified  
14 Realtime Reporter and Notary Public of the District  
15 of Columbia, and State of Maryland.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 S. Chabot

2 APPEARANCES:

3 ON BEHALF OF PLAINTIFFS:

4 THERESA LEE, ESQUIRE  
5 American Civil Liberties Union  
6 125 Broad Street  
7 New York, NY 10004  
8

9 ON BEHALF OF LEGISLATIVE DEFENDANTS:

10 MICHAEL MCKNIGHT, ESQUIRE  
11 (via telephone)  
12 Ogletree, Deakins, Nash, Smoak & Stewart  
13 4208 Six Forks Road  
14 Raleigh, NC 27609  
15

16 ON BEHALF OF THE INTERVENORS:

17 KATHERINE MCKNIGHT, ESQUIRE  
18 Baker & Hostetler  
19 1050 Connecticut Avenue, NW  
20 Washington, DC 20036  
21  
22  
23  
24  
25

1 S. Chabot

2 P R O C E E D I N G S

3 Whereupon,

4 STEVEN J. CHABOT,

5 called as a witness, having been first duly sworn to  
6 tell the truth, the whole truth, and nothing but the  
7 truth, was examined and testified as follows:

8 EXAMINATION

9 BY MS. LEE:

10 Q Congressman, thank you. My name is Theresa  
11 Lee. I'm an attorney for the plaintiffs in Ohio A.  
12 Philip Randolph Institute versus Smith, a case in the  
13 Southern District of Ohio in which you have intervened.

14 Also here today we have --

15 MS. MCKNIGHT: Yes, good morning. We have  
16 Kate McKnight for Baker Hostetler on behalf of the  
17 congressman.

18 MS. LEE: And on the phone?

19 MR. MCKNIGHT: Yes, ma'am. It's Michael  
20 McKnight, attorney with Ogletree Deakins law firm in  
21 Raleigh, North Carolina on behalf of the legislative  
22 defendants.

23 BY MS. LEE:

24 Q Congressman, could you please state your  
25 full name and residential address for the record?

1 S. Chabot

2 A Steven, with a V, J. Chabot, C-H-A-B-O-T.

3 3025 Daytona Avenue, Cincinnati, Ohio 45211.

4 Q You've just been sworn in. Do you  
5 understand that you're testifying under oath here  
6 today?

7 A Yes.

8 Q And do you understand that the oath you've  
9 sworn to is the same as if you were testifying in a  
10 court of law?

11 A Yes.

12 Q Have you ever been deposed before?

13 A I don't remember. I've deposed other  
14 people.

15 Q Okay. Do you recall if you've ever  
16 testified under oath before?

17 A I don't remember to be honest with you.

18 Q That's fine.

19 A I put a lot of other people under oath when  
20 they've testified in courtrooms. I've had civil trials  
21 and criminal trials and other things.

22 Q Understood. I would like to go over a few  
23 ground rules with you for today to ensure that  
24 everyone's on the same page.

25 Please make sure you give a verbal response

1 S. Chabot

2 to each question as opposed to nodding your head or any  
3 gestures that obviously we have a court reporter here  
4 with us today, just so we can ensure that she can take  
5 down all of your response.

6 A Okay.

7 Q Also, to make her life a bit easier and a  
8 clear record for all of us, let's do our best not to  
9 speak over one another. Please wait until I finish  
10 asking the question, even if you think you know where  
11 I'm headed, before giving your answer.

12 Can you agree to that?

13 A Yes.

14 Q Great. I will try to do the same. I'll  
15 try not to begin the next question until you have  
16 finished speaking as well.

17 A Okay.

18 Q If you don't hear what I've asked, please  
19 just say so and I'll be happy to repeat myself. If you  
20 don't understand a question or even any part of a  
21 question, please say so and I'll rephrase. Can you  
22 agree to that?

23 A Yes.

24 Q And is it fair that if you do answer a  
25 question I can take that to mean you understood what

1 S. Chabot

2 I've asked?

3 A Yes.

4 Q And if at any time you need a break, please  
5 just say so. I will ask that if I have a question open  
6 you answer it first and then take a break right after.  
7 Can you agree to that?

8 A Yes.

9 Q And if at any time you need to consult with  
10 your attorney regarding the disclosure of potentially  
11 privileged information, please just state that's the  
12 reason and we can take a break for you to consult with  
13 her. Can you agree to that as well?

14 A Yes.

15 Q Great. And your attorney or attorneys for  
16 defendants, though he's on mute, so perhaps not, might  
17 object at some point to a question I asked. Even if  
18 they object, you should still answer the question  
19 unless Kate directs you not to answer. Do you  
20 understand that?

21 A Yes.

22 Q And is there anything that would prevent  
23 you from answering my questions honestly and fully  
24 today?

25 A No.

1 S. Chabot

2 Q And throughout this deposition I may refer  
3 to the Ohio redistricting, the 2011 redistricting.  
4 Unless I specify otherwise, I'm referring to the  
5 redistricting for Ohio's congressional map that  
6 occurred in 2011.

7 Do you understand that?

8 A Yes.

9 Q And also throughout I may refer to the  
10 congressional map or just shorthand to the map, and  
11 unless I specify otherwise, I'm referring to the map  
12 that was put in place as a result of the 2011  
13 congressional redistricting in Ohio.

14 Do you understand that as well?

15 A Yes.

16 Q Great. Did you do anything to prepare for  
17 today's deposition?

18 A I met last Friday with Kate. I think we  
19 met for the first time then.

20 Q Okay. Great. In addition to Kate, was  
21 anyone else present in the room at the time?

22 A There was another attorney there at the  
23 beginning of the meeting and he left.

24 Q Okay. Did you review any documents as part  
25 of your preparation?



1 S. Chabot

2 A Nope.

3 Q Have you, prior to that preparation,  
4 reviewed the complaint in this case?

5 A No.

6 Q And did you review the motion to intervene  
7 that was filed on behalf of you, the other members of  
8 the congressional delegation and other Ohio voters?

9 A No.

10 Q Did you review the Requests For Production  
11 that were served on you through your counsel?

12 A No.

13 MS. LEE: I'd like to mark as Exhibit 1  
14 this document here.

15 (Chabot Exhibit 1, Requests for Production  
16 marked for identification as of this date)

17 Q And these are the Requests For Production  
18 that plaintiffs served on you through your counsel.  
19 You're not familiar with this document? You've not  
20 seen it before?

21 A I know that it was served. I don't recall  
22 how we got it. I've never sat down and read it.

23 Q Understood. Okay. And from communicating  
24 with your counsel or communicating with staff members  
25 who communicated with your counsel, as I know your

1 S. Chabot

2 schedule must be quite full to say the least, was it  
3 your understanding that we were seeking documents  
4 related to the 2011 redistricting and other issues  
5 surrounding it?

6 A Could you define "we"?

7 Q The plaintiffs in this case?

8 A Yes.

9 Q And did you review any documents that were  
10 going to be produced in response to these requests?

11 A Could you say that question again?

12 Q Did you review any documents that were  
13 going to be produced in response to this request?

14 A When you say "review," did I sit down and  
15 read documents or anything? I didn't do that. I know  
16 there were things that we had to respond to.

17 I've got staff people that pretty much took  
18 care of that for me and we talked about a few things,  
19 but you also need to understand that the last couple of  
20 months we had elections going on and my principal  
21 focus, other than being the best Congress person I  
22 could, representing my people, was to focus on the  
23 campaign.

24 And so I knew this lawsuit was going on but  
25 I didn't pay a lot of attention to it to be quite

1 S. Chabot

2 honest with you. So...

3 Q Okay.

4 A But I'm pretty -- I'm somewhat familiar  
5 with what it's about and those types of things, but I  
6 haven't devoted considerable brain power on this thing.

7 Q Okay. Understood. Absolutely. And who on  
8 your staff did you understand to be sort of in charge  
9 of dealing with these requests?

10 A Brian Griffith.

11 Q Okay.

12 A And Jamie Schwartz to a probably lesser  
13 degree.

14 Q And are they members of your congressional  
15 staff?

16 A Brian is now. Jamie was years ago. He now  
17 has a consulting -- political consulting company. I  
18 think it's called Fountain Square something.

19 And so our campaign has him and their  
20 people on retainer. We have for quite a few years.

21 And so Jamie and Brian are the two most  
22 familiar with what's going on here. Probably Brian  
23 mostly because he's still on my official staff and he's  
24 an attorney and Jamie is not.

25 Q Okay. Understood. What email addresses

1 S. Chabot

2 did you use in 2011?

3 A SteveChabot11@gmail.com.

4 Q Do you have an official congressional email  
5 address?

6 A Yes, I think we do. If we do I never use  
7 it. My staff uses that stuff but I really don't. I  
8 think we have a campaign, too, but again I don't use  
9 that.

10 Q So there may well be other email addresses  
11 that are technically assigned to you, but you don't  
12 send or receive emails with those addresses?

13 A Yes, that's correct.

14 Q Okay. Understood.

15 A For all I know there may be others, too,  
16 that I don't know about. I'm not the most  
17 technologically advanced. I'm 65 years old. My kids  
18 understand this stuff but, you know.

19 Q Absolutely. I think I have some dead email  
20 addresses still hanging out there myself.

21 A But the one I use is  
22 SteveChabot11@gmail.com. That's the one I use.

23 Q Very good. Understood.

24 You've, at this point, run for office many  
25 times.

1 S. Chabot

2 A Yes.

3 Q Have you in general used the same website  
4 or the same set of servers across time that you've run  
5 for office since 2010?

6 A Oh, since 2010?

7 Q Yes.

8 A I first ran for office in 1979 so but since  
9 2010, yes, I think so.

10 Q Okay. Do you have a general practice  
11 regarding how long you keep emails in your Steve Chabot  
12 11 Gmail account?

13 A If we do, I'm not aware of it.

14 Q Does anyone else have access to that email  
15 account?

16 A Many people have access to it, yes.

17 Q Does anyone ever send emails from that  
18 account where you are not the sender of the email?

19 A I have no idea.

20 Q Okay.

21 A I wouldn't be surprised but I -- if they  
22 didn't, I wouldn't be surprised with that either.

23 Q Okay. Understood. And who in general  
24 would you say had access to that email account in 2011?

25 A Some of my staff. I don't know which ones.

1 S. Chabot

2 My wife, probably my kids, campaign people, lots of  
3 people know about it because if you had a problem they  
4 would come in and solve it. So there are other people  
5 that do, yes.

6 Q Okay. Understood. And do you keep  
7 electronic calenders of any kind, whether through  
8 Outlook calender or Google or Apple have calenders?

9 A On my official staff Lisa is my scheduler  
10 and she handles my schedule. So and it's partially  
11 electronic and she gives me a hard card that I carry  
12 around all the time. So I don't know if that answers  
13 your question but...

14 Q It does.

15 A Yes.

16 Q You don't have then any other personal  
17 calenders that you keep electronically; is that  
18 correct?

19 A Not that I'm aware of, no.

20 Q And do you know if there's a general  
21 practice for how long the content of those calenders is  
22 kept and stored that your scheduler runs?

23 A No, I don't.

24 Q Who were the main members of your staff  
25 that you interfaced with most directly or who carried

1 S. Chabot

2 out the most tasks for you in 2011?

3 A Could you rephrase that question or...

4 Q Who were the key members of your staff in  
5 2011?

6 A Could you define staff, too? I have  
7 official staff. I have campaign staff.

8 Q Well, let's break them out into two  
9 separate questions then.

10 A Okay.

11 Q For your official congressional staff in  
12 2011, who were the staff members?

13 A In 2011? I was just thinking of my chief  
14 of staff but she wasn't my chief of staff in 2011. My  
15 chief of staff in 2011 was Mark Wellman who is not my  
16 chief of staff now.

17 Q Understood.

18 A He's a professor at the Naval Academy. But  
19 he was my chief of staff then. Mike Cantwell was my  
20 district director. But Mike's about as technologically  
21 advanced as I am and he's even a month older than me.  
22 He's 65. So he sort of heads up the Cincinnati office.

23 But Brian Griffith is the one who, in the  
24 office who -- he's my attorney. He's the attorney on  
25 staff there. He's important.

1 S. Chabot

2 You want me to go through my whole staff?

3 You said the primary?

4 Q The primary?

5 A Mike wouldn't know anything about this  
6 stuff. Brian would be the main person. Lisa is my  
7 scheduler. I don't remember if she was my scheduler  
8 back then or not. Katy was. Not Katy (indicating) but  
9 Katy was a different one.

10 Q And for Lisa and Katy, do you recall their  
11 last names.

12 A I should. Katy's last name was Moore.  
13 Lisa just got married a few months ago.

14 Q It's not a memory test.

15 A She's just my scheduler. I don't think  
16 she's going to know the stuff either. I'm happy to try  
17 to be helpful.

18 Q No, I'm trying to understand the universe  
19 of people.

20 A I've got six or seven or eight people in my  
21 Washington office.

22 Q Okay.

23 A My current chief of staff is Stacy Barton.  
24 But she wasn't my chief of staff back then and she's  
25 really not political. Doesn't handle this kind of



1 S. Chabot

2 stuff. I've got six, seven, eight. And we've got  
3 interns.

4 I'm chairman of the House of Small Business  
5 Committee and we've got another 18 people on staff  
6 there.

7 My Cincinnati office and my Warren County  
8 office we've got another half dozen or so. I don't  
9 think you want me to go through the whole universe of  
10 the people that were there.

11 Q No, no, no.

12 A Especially back in 2011. I'm not trying to  
13 be difficult. Really not. I'm just trying to answer  
14 your question.

15 Q No, absolutely understood. And I think it  
16 sounds like you've described the primary staff members.

17 Mike Cantwell as the district director,  
18 he's overall in charge of both the Cincinnati and the  
19 Warren County offices?

20 A Yes. Mike told me he's retiring, though.  
21 He's going to be retiring in a week to go deer hunting  
22 and other fun stuff so...

23 Q And just confirming, Lisa your current  
24 scheduler was not your 2011 scheduler?

25 A That's correct, she wasn't. Katy was, I

1 S. Chabot

2 think. I'm pretty sure she was. I don't know. I've  
3 had so many folks over the years.

4 I've been in Congress 22 years and I first  
5 ran in '79. That was over 40 years ago. I ran 21  
6 times so far. I counted them up. That's how I know  
7 that.

8 Q And Brian Griffith was also on your staff  
9 in 2011; is that correct?

10 A He was. In fact, he might have been my  
11 chief of staff at that time because he was chief of  
12 staff for about six months in 2011. Then I hired Mark  
13 Wellman and Mark Wellman was chief of staff and now  
14 Stacy is but Brian may have been. But I'm not sure.

15 Q Understood. Did you ever send text  
16 message, iMessages, BlackBerry messenger, depending on  
17 what type of phone you had, with members of your staff?  
18 Is that a way you communicate with them?

19 A Yes.

20 Q And have you had the same phone number for  
21 your cell phone, smartphone since 2010?

22 A I don't know. I think so. Some of it has  
23 been. I've got a lot of different phone numbers, too.  
24 I'm trying to think if -- I'm not absolutely sure.

25 Q Okay. And do you have separate phones for

1 S. Chabot

2 your official congressional business, your personal  
3 business and campaign business? Are those all separate  
4 cell phones or cell phone numbers?

5 A I think so.

6 Q As to those three numbers, would you send  
7 text messages from your official phone with members of  
8 your staff?

9 A Could you repeat that question?

10 Q So the text messages or iMessages, whatever  
11 type they are that you've communicated that way with  
12 members of your staff, do you ever do that from your  
13 official congressional cell phone?

14 A Yeah, that's -- the only text messages that  
15 I send, I think, are 202, whatever the heck the number  
16 is 225-9611, I think it is. And that's the way I send  
17 texts on there.

18 Q And for a campaign phone or a personal  
19 phone, you don't ever send text messages from that  
20 phone to members of your staff? Just --

21 A I don't know what you just said.

22 Q So the 202 number we've just discussed, is  
23 that the only one of your phones that you use to send  
24 text messages?

25 A That's the only one -- you told me not to

1 S. Chabot

2 interrupt you. I apologize.

3 Q That's okay.

4 A I think that's the only one I text on, I  
5 think. I haven't texted before until relatively  
6 recently. My kids used to laugh about that. Because I  
7 used to email everything when I emailed. So...

8 Q Understood. Understood.

9 What type of paper files do you keep?

10 A What type of paper files do I keep? I  
11 don't think I keep any paper files that I can think of  
12 now.

13 Q Okay.

14 A I used to years ago when I -- I was a sole  
15 practitioner for almost two decades. I had all kinds  
16 of paper files then. But I don't think I have anything  
17 like that anymore. And I stopped doing that 20 years  
18 ago.

19 Q Okay.

20 A But now I can't think of any paper files  
21 that I would keep. My -- my staff gives me papers  
22 sometimes and will do something and then when I'm done  
23 they go or my staff gets rid of them or whatever.

24 Q Okay.

25 A So I don't think I have anything like that

1 S. Chabot

2 anymore.

3 Q Okay. Understood. Do you ever take  
4 handwritten notes?

5 A Yes.

6 Q Do you keep those?

7 A No.

8 Q Do you ever keep handouts or printouts that  
9 you might receive at a meeting?

10 A I might keep something for a short period  
11 of time until whatever it is I was preparing for is  
12 over and then I wouldn't have them anymore.

13 Q Understood. Do you, separate from the  
14 printout card that you mentioned that Lisa creates, do  
15 you ever keep paper calenders or agendas otherwise?

16 A No.

17 Q And did you -- other than your solo  
18 practitioner files, did you ever keep any other paper  
19 files?

20 A I don't think so.

21 Q Okay. Are you aware if your staff has a  
22 general practice regarding the papers they take from  
23 you, whether they keep them or there's a certain  
24 retention period?

25 A No.

1 S. Chabot

2 Q Do you know if your campaign has any,  
3 across time, has had any retention policies?

4 A I don't know what they do.

5 Q Okay. With respect to the Request For  
6 Production, do you know where Brian and -- I've now  
7 forgot --

8 A Jamie.

9 Q -- and Jamie, where Brian and Jamie looked  
10 to collect documents?

11 A Where they looked to collect documents?

12 Q Yes.

13 A I don't know how they did it.

14 Q So of the various types of documents that  
15 I've been asking you about, you would not have any  
16 knowledge of which type of documents, text messages,  
17 emails or paper documents that Brian and Jamie looked  
18 for; is that correct?

19 MS. MCKNIGHT: Objection as to form.

20 Let me take this moment, we've been  
21 operating in these depositions under an agreement as  
22 stipulation as to objections that all objections but  
23 for the form objection are reserved.

24 Do I understand correctly that we're  
25 operating under that same stipulation here?

1 S. Chabot

2 MS. LEE: Yes, we are.

3 THE WITNESS: Could you repeat the  
4 question?

5 BY MS. LEE:

6 Q Do you have any knowledge of whether Brian  
7 and Jamie sought to collect emails?

8 A Sought to collect emails? I don't know  
9 exactly what that means.

10 Q Do you have any knowledge whether Brian and  
11 Jamie searched your Gmail account for documents  
12 responsive to these requests?

13 A My understanding is that they were working  
14 with the attorneys to make sure that we complied with  
15 everything here and that's all I really know --

16 Q Okay.

17 A -- is that they were working with these  
18 folks and I'm referring to my attorney who's next to me  
19 here. And that there were words that they wanted to  
20 search and I don't remember what they were anymore but  
21 that we were cooperating completely in that effort.  
22 That's what I know.

23 Q Okay. Perfect. So to sort of put this set  
24 of questions aside, as to any of the particulars of  
25 that you wouldn't have knowledge; is that correct?

1 S. Chabot

2 A No, no. I do remember them talking about  
3 some of the words and things that there were and I said  
4 whatever they're asking, you know, let them have it,  
5 give it to them. That's what they were doing. That's  
6 all I know.

7 Q Okay. Do you keep any social media  
8 accounts?

9 A Do I keep any social -- you're talking  
10 about Facebook and stuff like that?

11 Q Facebook or Twitter?

12 A When you say keep them, we have that both  
13 on our campaign website and we have that also on our  
14 official website. So if that's what you mean by keep,  
15 yes, we have that kind of stuff.

16 Q Do you know when in time you began for your  
17 campaign having social media accounts?

18 A Now, when you say campaign, do you mean one  
19 campaign in particular or ever?

20 Q The various campaigns you've had over time,  
21 do you know what year you would have first begun --

22 A No.

23 Q -- having social media accounts?

24 A No, I don't know that. I know it's a lot  
25 more important now than it used to be and I know we do



1 S. Chabot

2 it. But I don't really know when we started.

3 Q Okay. Understood. And would the same be  
4 true for your official social media accounts? Do you  
5 know when those began?

6 A The same is true that I don't know exactly  
7 when it happened, yes.

8 Q Do you oversee the posting on -- on your  
9 campaign social media accounts?

10 A I don't oversee it. I see it sometimes and  
11 usually, you know, my people are working on that stuff.  
12 Sometimes I'll get pictures to them. They have what's  
13 called throwback Thursday and we have done those.  
14 Oftentimes it's cute pictures of me when I was a little  
15 kid and stuff like that. So I'm involved in that.

16 But typically what happens is people  
17 nowadays use that and just like attack you viciously no  
18 matter what you put up there, you know, and so we're  
19 more careful about putting stuff up anymore online  
20 because they just attack you. It's pretty vicious out  
21 there now in the social media nowadays.

22 Q Do you or your staff ever reply to comments  
23 on those social media accounts?

24 A I don't know if we do or not. I think  
25 sometimes but usually you don't, I think, because when

1 S. Chabot

2 you do it can be this, why didn't you respond to mine  
3 and so you end up in this endless -- so I don't think  
4 we respond very often on social media, I don't think.

5 Q Understood. Do you know how it is  
6 determined whether a post is going to be made on your  
7 social media accounts?

8 A I do when I have something and I suggest.  
9 Like, on Thanksgiving, I went on and found what I  
10 thought was a nice thing. I said why don't we put this  
11 up for Thanksgiving and, voila, there it was and it  
12 worked. So, you know, sometimes I'm involved. I would  
13 say most of the time probably not. But sometimes yes.

14 Q Do you or your staff ever answer direct  
15 messages, those that are not posted publicly on the  
16 wall but that are sent directly, there tends to be  
17 messaging functions in both Twitter and Facebook?

18 A In my official office, when we get  
19 information we respond to those kinds of things. If  
20 somebody has a request or if they say that I'm for this  
21 or that or I'm against this or that. In my official  
22 office, you know, they handle those kinds of things.  
23 It's part of my functioning as a member of Congress and  
24 responding to things.

25 So I'm not sure if that's what you're

1 S. Chabot

2 asking, but if you are, we do respond to that kind of  
3 stuff.

4 Q Yes, that's what I'm asking. Thank you.

5 A Okay.

6 Q Do you know if your campaign social media  
7 also responds to direct messages that are sent?

8 A I don't know. But I think probably not as  
9 much. But I'm not sure about that.

10 Q And is all of, as far as you know, the  
11 content of your accounts publicly available, it's  
12 outward facing?

13 MS. MCKNIGHT: Objection. Form.

14 A If you could repeat. I'm not even sure  
15 what you're saying.

16 Q Do you know if all of the content of your  
17 social media accounts is publicly available?

18 A I still don't know what you mean by that.  
19 I'm sorry.

20 Q No. That's okay.

21 A Are you asking like on Facebook and stuff  
22 if the people go on there, can the public see it? Is  
23 that what you're asking me?

24 Q Yes. So there's no content that's kept  
25 private or only open to a certain set of people?

1 S. Chabot

2 A As far as I know, that's correct, what  
3 you're saying here. When it's up there, everybody can  
4 see it, as far as I know.

5 Q So changing gears a little here. So you  
6 first ran for Cincinnati city council as an independent  
7 candidate in 1979; is that correct?

8 A Yes.

9 Q And then in 1983 you ran again for that  
10 office as a Republican; is that correct?

11 A That's correct.

12 Q Why did you switch from being an  
13 independent candidate to being a Republican?

14 A Because it's very difficult to win as an  
15 independent. I found that out by coming in 16th out of  
16 26 back in 1979. You had to be in the top nine and I  
17 didn't make it.

18 Q Understood.

19 A Can I elaborate on this?

20 Q Please, go ahead.

21 A I had three -- I had run a pretty good race  
22 as an independent and I had all three parties reached  
23 out to me, Republicans reached out to me and the -- we  
24 have a charter party in Cincinnati, which is kind of  
25 like the reform party. So they reached out too.

1 S. Chabot

2 And the Democrat reached out to me, too.  
3 They reached out to me and took me out for lunch and  
4 they were trying to convince me to become a Democrat.  
5 You know who that was? Jerry Springer. That's why I  
6 wanted to elaborate a bit, Jerry Springer.

7 Q Was he the mayor at the time?

8 A I'm trying to think. Had he been mayor  
9 already? I think he had been mayor. But anyway, I did  
10 not become a Democrat. Not that I had anything against  
11 Jerry, although he does contribute to my opponents,  
12 maxes them out every year.

13 I think, gee whiz, Jerry. Sorry to go in  
14 such detail there. I thought that was worth telling  
15 you. Kind of an interesting story.

16 Q It's worth the story, exactly.

17 You were later elected to the city council?

18 A In '85, yes.

19 Q And did you hold any other elected  
20 positions before you were elected to U.S. Congress?

21 A Besides city council?

22 Q Besides city council?

23 A Yes, I was a county commissioner, also.

24 Q Were you a county commissioner up until the  
25 time you were first elected to Congress?

Confidential

Page 30

1 S. Chabot

2 A Yes.

3 Q And is it correct you were first elected in  
4 1994?

5 A To Congress?

6 Q To Congress.

7 A I was elected in '94, yes.

8 Q And at that time you were representing also  
9 the first district of Ohio; is that correct?

10 A It was called the first district of Ohio,  
11 yes, and I still represent the first district.

12 Q Okay. Understood. Do you recall the shape  
13 of your district when you were first elected in 1994?

14 A Vaguely in my mind. I have a hard time  
15 drawing a map of it, but yeah.

16 Q And was that district wholly within  
17 Hamilton County?

18 A It was at that time.

19 Q And as we've discussed, you've been holding  
20 elected office since 1985 and you were elected to  
21 Congress in 1994, assuming office in 1995. Is that all  
22 correct?

23 A Yes, I think so.

24 Q And in each election that you've won,  
25 you've done so as a Republican; is that correct?

1 S. Chabot

2 A Yes.

3 Q And as such, do you regularly communicate  
4 with the leadership of the Ohio Republican Party?

5 A Could you define regularly and Republican  
6 Party of Ohio? Do you mean Republicans --

7 Q We'll start at the top. There's an  
8 organization known as the Ohio Republican Party; is  
9 that correct?

10 A I think that's what they call themselves.  
11 To be honest with you, I'm not absolutely sure. It is  
12 the Ohio party and I guess it's the Ohio Republican  
13 Party.

14 Q So there's generally someone who's the  
15 official leader of that Republican Party?

16 A Yes, yes.

17 Q Have you ever communicated with that  
18 individual?

19 A Yes.

20 Q Across time?

21 A Yes.

22 Q And how often would you say you've  
23 communicated?

24 A You know, believe it or not, you may not  
25 believe this, but she called me, not about this, but

1 S. Chabot

2 when I was in my car at the airport driving over here.  
3 Her name is Jane Timken. She called me to say  
4 congratulations for winning the election. That's kinda  
5 nice.

6 We talked about how we lost seats here and  
7 there and Aetna all that well. But I thought it was  
8 nice she called.

9 She said she was going to be running again  
10 for re-election to her position as head of the Ohio  
11 Republican Party and so that's -- so you asked me if  
12 I've talked to her, and I just talked to her on the way  
13 over. And prior to that I hadn't talked to her since  
14 before the election.

15 Q In 2011 did you communicate with the head  
16 of the Ohio Republican Party?

17 A In 2011? I don't remember.

18 Q Okay.

19 A I don't remember who the head of the party  
20 was at that time either really. Bob Bennett was for a  
21 while. That was his name, Bob Bennett, and then others  
22 have been so I don't know.

23 Q And do you communicate with the elected  
24 leaders of the Ohio General Assembly?

25 A Sometimes but, yeah, sometimes.



1 S. Chabot

2 Q And do you recall communicating with any of  
3 the members of the Ohio General Assembly in 2011?

4 A I don't have any recollection of it.

5 Q And have you communicated with the Governor  
6 of Ohio?

7 A The current governor?

8 Q The current governor.

9 A I'm sure we've talked but I don't recall  
10 when exactly. We served in Congress together here for  
11 a number of terms.

12 Q And, of course, you're now a member of the  
13 16 person congressional delegation from Ohio. Do you  
14 regularly communicate with each of the other members of  
15 the delegation?

16 A Yes.

17 Q And in 2011 you were a member of the then  
18 18 person congressional delegation. At the time did  
19 you regularly communicate with the members of that  
20 delegation?

21 A Yes.

22 Q Would it be fair to say that you more  
23 regularly communicate with the Republican members of  
24 the delegation than with the Democratic members of the  
25 delegation?

1 S. Chabot

2 A That would be fair, yeah. Although I do  
3 communicate with the Democrats, too.

4 Q Understood. And do you communicate at all  
5 with the leadership of the National Republican Party?

6 A That's even harder to define the National.  
7 Because there's the NRCC and then there's -- what do  
8 they call the other institution over there? But, I  
9 mean, I communicate with people more on the NRCC than  
10 the one that you mentioned.

11 Q Than the Republican National --

12 A That's the more presidential. I always get  
13 that mixed up. But I think the one that's national has  
14 more to do with the presidential races. And the NRCC  
15 is what we do. And then there's the NRSC, National  
16 Republican Senatorial Committee, and then there's a  
17 DCCC for the Democrats.

18 Q And for the National Republican  
19 Congressional Committee, the NRCC, what individuals do  
20 you communicate with at the NRCC?

21 A Staff people mainly. And then members that  
22 are involved in it one way or the other. So, I mean, I  
23 don't know exactly how to answer your question.

24 Q Do you recall any specific communications  
25 with individuals at the NRCC related to redistricting?

1 S. Chabot

2 A No.

3 Q And you, along with others, have intervened  
4 in this case; is that correct?

5 A I think that's correct, yes. We're part --  
6 yes, we did intervene.

7 MS. LEE: And I'm having marked as  
8 Exhibit 2.

9 MS. MCKNIGHT: Off the record.

10 BY MS. LEE:

11 (Chabot Exhibit 2, Memorandum in Support of  
12 Motion of Republican Congressional Delegation Ohio  
13 Voters and Ohio Republican Party Organizing to  
14 Intervene, marked for identification as of this date)

15 Q So I have handed you what has been marked  
16 as Exhibit 2, the Memorandum in Support of Motion of  
17 Republican Congressional Delegation Ohio Voters and  
18 Ohio Republican Party Organizations to Intervene.

19 This was filed along with a cover motion  
20 with the court in this case so that you and the others  
21 could join the case as an intervenor.

22 Have you seen this document before?

23 A I'm aware that we intervened. I don't  
24 think I've read the document but I was aware that it  
25 occurred.

1 S. Chabot

2 Q Okay. And so do you understand that your  
3 attorneys filed this document with the court on your  
4 behalf?

5 A Yes.

6 Q And do you understand that in this document  
7 your attorneys make statements on your behalf?

8 A Yes.

9 Q Could you please turn to page 3 of  
10 Exhibit 2?

11 A Yes.

12 Q To the section just below the bold header  
13 in the middle of the page reading Proposed Intervenor.

14 The first sentence reads: "The intervenor  
15 applicants represent a diverse coalition of registered  
16 voters, county political parties and congressional  
17 representatives, all whose interests will be directly  
18 impacted by the relief plaintiffs are pursuing in this  
19 action."

20 Do you agree that you are included in this  
21 statement as one of the congressional representatives?

22 A Yes.

23 Q The next paragraph begins referring to the  
24 member intervenor applicants. Do you see that?

25 A Yes, I do see it.

1 S. Chabot

2 Q And these member intervenor applicants are  
3 identified as incumbent representatives of Ohio's first  
4 and the rest of the congressional districts. Do you  
5 see that as well?

6 A I see that, yes.

7 Q And it is correct you're included within  
8 the group of member intervenor applicants as the  
9 incumbent representative of Ohio's first district?

10 A If that's the question, yes.

11 Q And in the next sentence: "These member  
12 intervenor applicants are further defined." Still on  
13 page 3 there. "They are all members of the Republican  
14 Party, all registered voters in the district and all  
15 intend to run for election as representative of those  
16 districts in 2018 and 2020."

17 Do you agree that is correct?

18 A I agree that I intend to run in 2020. I  
19 can't speak for all the other people that they're going  
20 to run in 2020 and I actually haven't thought about  
21 that much but -- I haven't said I'm not running.

22 Q Okay. Understood. And in the very next  
23 sentence, you are personally identified there. Do you  
24 see that?

25 A No. I don't know where you're pointing to.

1 S. Chabot

2 Q Sorry. Still on page 3?

3 A Three.

4 Q Just the third sentence of the last  
5 paragraph on the page: "Representative Steve Chabot is  
6 the member of the United States House of  
7 Representatives for the Ohio 1 district."

8 A Yeah, I thought we had already referred to  
9 that. So I thought there was something else you were  
10 referring me to.

11 Q No, just --

12 A I do see that and that is me.

13 Q Great. Just that one.

14 A Yes.

15 Q Could you please turn with me now in the  
16 same document to page 9?

17 A Yes.

18 Q In the second full paragraph on this page  
19 that begins: "The member intervenor applicants." Do  
20 you see that?

21 A Do I see that.

22 Q And it lists interests that you all have in  
23 the district; is that correct?

24 A I'd have to read it. Do you want me to  
25 take the time to read it?

1 S. Chabot

2 Q Sure.

3 A I'm not sure what it says. I believe you  
4 but I haven't read it.

5 Q Yes.

6 (Witness reading.)

7 A Okay. I've read it now.

8 Q And it states that: "The member intervenor  
9 applicants have a substantial interest in the subject  
10 matter of this case as it involves the legality of the  
11 district they were elected to represent." Is that  
12 correct?

13 A It's correct that that's what it says. Is  
14 that what you're asking?

15 Q Yeah.

16 A It does.

17 Q And do you agree with that statement?

18 A I think I do agree with that statement,  
19 yes.

20 Q And in the very last sentence on this page  
21 it says, the very last paragraph, excuse me, as  
22 numerous courts have recognized --

23 A I'm sorry, I'm not following where you're  
24 at.

25 Q Just the last paragraph.

1 S. Chabot

2 A You mean this one here (indicating)?

3 Q Yes. "As numerous courts have recognized  
4 elected members from a challenged district may  
5 intervene as a matter of right under Rule 24 due to  
6 inter alia their personal interest in their office."

7 Do you think you have a personal interest  
8 in your office?

9 A Apparently the attorneys who represent us  
10 believe that we do and so I would -- it's hard for me  
11 to answer that question from a legal perspective or  
12 from any other perspective so I honestly don't know.

13 Q Okay. And so do you, from just a factual  
14 perspective, think that you have a personal interest in  
15 the first congressional district?

16 MS. MCKNIGHT: Objection.

17 A I think I've already answered the question.  
18 I don't know. I think a court would have to determine  
19 that.

20 Q Sure. And do you think you have -- do you  
21 have any interest in where the lines were drawn  
22 defining the district?

23 A Yes.

24 Q Okay. And what would that interest be?

25 A You say do we have any interest in how the



1 S. Chabot

2 lines are drawn?

3 Q Do you have an interest in how the lines  
4 are drawn defining the first district?

5 A Yes.

6 Q And what is that interest?

7 A Because it determines what people who are  
8 in your district that you have the opportunity to  
9 represent.

10 Q So another interest that is referenced,  
11 still continuing on page 9, is an interest in continued  
12 incumbency?

13 A I see it says that there.

14 Q Do you think you have an interest in  
15 continued incumbency in your seat?

16 A I really don't know if we have an interest  
17 in that or not. I think the court would have to  
18 determine that. I guess it's being alleged here, so...

19 Q And prior to the time that a district is  
20 drawn at each decennial redistricting, do you think the  
21 incumbents have an interest in remaining incumbents?

22 A You're not referring to this anymore?

23 Q No, I'm not referring to this document.

24 A Could you repeat that?

25 Q At each decennial redistricting, do you

1 S. Chabot

2 think the incumbents who are in office under the  
3 previous map have a continued interest in remaining in  
4 office under the new map?

5 MS. MCKNIGHT: Objection. Form.

6 A I don't -- I don't know if we have an  
7 interest in that or not. I think a court would have to  
8 determine that.

9 Q Okay. So let's look further at the reasons  
10 stated by your counsel for the personal interest of you  
11 and the other congressional intervenors.

12 If you turn to page 11 of this document?

13 A (Witness complies.)

14 Q Beginning the second line from the top, it  
15 states: "The member intervenor applicants have  
16 invested considerable time and money building  
17 coalitions of supporters in their districts, learning  
18 their districts, serving the needs of their  
19 constituents, raising and spending money on  
20 electioneering activities among other activities."

21 Do you see that?

22 A I do see that.

23 Q Let's take some of these one at a time. Do  
24 you agree that you have invested considerable time and  
25 money building coalitions of supporters in your

1 S. Chabot

2 district?

3 A Yes.

4 Q Can you describe some of those activities?

5 A Well, I'm going to have to think about  
6 that.

7 Q Okay.

8 A I will do that now. Well, coalitions are  
9 groups of people that have some common interest and so  
10 you interact as a member of Congress with those people  
11 throughout your time in that district.

12 And relative to money, it's kinda vague to  
13 me as to what they're referring to.

14 I assume they mean -- I don't know if they  
15 mean you spent time running television commercials or  
16 send out direct mail pieces through a campaign. Or if  
17 they mean money that has been sent out in your official  
18 office responding to their response and asking you  
19 about something or letting you know what their point of  
20 view is on an issue and you responding on that. Maybe  
21 that's what it's meant.

22 But other than that, those are what I would  
23 assume is meant by that.

24 Q And, in general, do you agree that it's  
25 true that you've undertaken activities to build

1 S. Chabot

2 coalitions of supporters, specifically of you in  
3 office?

4 A Well, there are people that support me and  
5 don't support me and we spend the same resources in the  
6 official office.

7 Q And have you undertaken any efforts within  
8 your district with your constituents to build  
9 coalition, coalitions with Democrats?

10 A We do with all constituents. We don't ask  
11 them whether they're Democrats or Republicans. They're  
12 in my district and they have some interest, whether  
13 they're farmers or teachers or whatever they may be.  
14 You know, it's something we wouldn't know necessarily  
15 what they are, what their political background is.

16 Q And do you agree, referring back to the  
17 same sentence, that you've invested time learning your  
18 district?

19 A Yes.

20 Q And what have you done to undertake  
21 learning your district?

22 MS. MCKNIGHT: Objection. Form.

23 You can answer.

24 A I'm in my district whenever I'm not in  
25 Washington, unless I happen to be out of the country or

1 S. Chabot

2 something on congressional business or something like  
3 that.

4 So I'm interacting with my people on a  
5 regular basis and so I learn every day about the people  
6 in my district and interact with them and handle the  
7 issues and handle their -- their interactions with the  
8 Federal Government in my official capacity. They have  
9 a problem with Social Security, they have a problem  
10 with Medicare or Social Security or Veteran's benefits  
11 or whatever. So I'm interacting with them. Sometimes  
12 it's through staff, but I'm learning in that process  
13 all the time.

14 Q Would it be true that regardless of the  
15 lines of your district you would learn from the  
16 constituents that were in it in the same way that you  
17 do now?

18 MS. MCKNIGHT: Objection.

19 A Everything except the last part in the same  
20 way. I couldn't speculate as to how I would learn but  
21 you certainly would interact with your constituents  
22 however the lines were drawn and try to represent them  
23 to the best of your ability.

24 Q And do you agree that you've invested, you  
25 and obviously the members of your staff, have invested

1 S. Chabot

2 time serving the needs of your constituents?

3 A Yes.

4 Q And can you describe some of the

5 constituent services that you or your staff members

6 have undertaken?

7 A Yeah, it's some of the things that I just

8 mentioned. Constituent services. We interact on their

9 behalf with the Federal Government. It's all kinds of

10 parts of the Federal Government. They may call or they

11 may write us a letter. They may email us something

12 asking our help and then we take care of that matter

13 with the Federal Government on their behalf. That's

14 specifically constituent services.

15 Then they also want to tell us as their

16 representative in Congress, you know, when I vote they

17 want to tell me what they think about things. If

18 they're for or against something. Could be potential

19 legislation, they like it or they don't like it. So

20 that's another aspect that we interact with our

21 constituents.

22 I'll leave it there.

23 Q That sounds good. Do you always or members

24 of your staff always respond to requests for

25 constituent help?

1 S. Chabot

2 A Yes, unless something falls through the  
3 cracks and sometimes it does. I'll run into somebody  
4 on the street. They will say, "Hey, I sent a letter to  
5 you and I never heard anything about."

6 I'll try to get their name and contact my  
7 folks and say, "Hey, look into this."

8 I'm not saying that sometimes somebody  
9 doesn't screw up because it does happen but it's not  
10 supposed to. And I always tell them if they screw up,  
11 the buck stops with me because it's my fault  
12 ultimately. My staff forgets to do something it's on  
13 me, as far as I'm concerned.

14 Q And if Democratic elected officials within  
15 your district reach out to you or your office seeking  
16 to serve the needs of your constituents, do you or your  
17 office meet those requests that come through that third  
18 party?

19 A Yes.

20 MS. MCKNIGHT: Objection. Form. Go ahead.  
21 You may answer.

22 A Yes.

23 Q Then just returning to this sentence. Do  
24 you also agree that you've invested considerable time  
25 and money raising and spending money on electioneering

1 S. Chabot

2 activities within the district?

3 A Yes.

4 Q And can you describe these activities?

5 A Could you repeat the question? I just want  
6 to make sure I answer exactly what you asked.

7 Q Sure. So you've invested time and money on  
8 electioneering activities, is that true?

9 A Yeah.

10 Q And can you describe electioneering  
11 activities that you've undertaken in your district?

12 MS. MCKNIGHT: Objection.

13 A I would assume what that means is sending  
14 out literature pieces, going door to door, being  
15 involved in debates, putting up yard signs. All those  
16 types of things and you generally try to restrict them  
17 as much as possible to your district so you're not  
18 wasting time and effort into other parts of the state  
19 that aren't in your district.

20 Like on television, you try to put them on  
21 the stations -- that's where there's an overlap mostly  
22 where you may not get in your district. Because I'm in  
23 the corner of the state and you run the TV ad and the  
24 people in Kentucky can see it. I'd like to just be in  
25 Ohio and you can't do that.



1 S. Chabot

2 But when you're sending out a direct mail  
3 piece, it's much easier to limit it to your area. Or  
4 if you're doing a town hall telephone meeting, although  
5 that's not necessarily political, unless you run it  
6 through your campaign, you can call phone numbers. You  
7 know, they're in your district so you know that.

8 Those are the types of things that you can  
9 do.

10 Q Okay. And on this same page, the last  
11 sentence in that first paragraph it states: "In  
12 addition there's a possibility that if a remedial plan  
13 is ordered in this case, the remedial plan could pair  
14 two or more of the member intervenor applicants in the  
15 same district which would impede their ability to run  
16 for their seats".

17 Is that correct?

18 A That's what it says.

19 Q And is that a concern that you have?

20 A I don't know that I've ever thought of that  
21 before but I guess it would be a problem if they  
22 redrew -- and it does happen where they put two in the  
23 same district. They both can't win so...

24 Q And in the 2011 redistricting, was it  
25 personally a concern of yours that you would be paired

1 S. Chabot

2 with another incumbent in the map?

3 A I don't recall.

4 Q And now with the loss of two seats going in  
5 2011, that was absent some retirements, it was going to  
6 happen that certain incumbent Congress people would be  
7 paired; is that correct?

8 MS. MCKNIGHT: Objection.

9 A Just by mathematics that would be true  
10 because there were 18 districts and then you were going  
11 to have 16. So you would only have 16 members, but it  
12 would depend on if there were retirements or whatever  
13 so...

14 Q And at the time what did you think was a  
15 solution for the needed pairing?

16 A What did I think the solution was?

17 Q Yes, if you thought of anything.

18 A I don't really recall having, you know, a  
19 plan myself.

20 Q Sure. What did you think of the eventual  
21 pairing of Representatives Turner and Austria?

22 A On a personal human level I felt kinda bad  
23 for them. Especially Austria because he ultimately was  
24 not in Congress as a result of that. And I felt bad  
25 for Dennis Kucinich because the same thing happened to

1 S. Chabot

2 him, too.

3 Q Other than on a personal level, did you  
4 think anything of the pairing of Representatives Turner  
5 and Austria?

6 A No, it was personal. I mean, I knew them  
7 both and I like them both and I liked Dennis Kucinich  
8 and I'm trying to remember -- oh, it was Marcy Kaptur.  
9 She won and Dennis didn't and he was a friend. I liked  
10 him.

11 Q When did you become aware of the pairing of  
12 Representatives Turner and Austria in the process?

13 A I don't remember.

14 Q Did you have any understanding why it was  
15 decided upon that Representatives Turner and Austria  
16 would be paired?

17 A No.

18 Q Other than what you've just said about  
19 Representative Kucinich, did you think anything else of  
20 the pairing of Representatives Kaptur and Kucinich at  
21 the time?

22 A I just felt bad that one of them would lose  
23 because I know them both and they're both good people.

24 Q Do you have any recollection of when you  
25 became aware of that pairing?

1 S. Chabot

2 A No.

3 Q At the time would you agree that there were  
4 many more representative, yourself even included, who  
5 were geographically much closer to each other than  
6 Representatives Kaptur and Kucinich?

7 A I don't know what that -- could you repeat  
8 that?

9 Q Were you aware that there were many more  
10 representatives of the 18 person delegation at the time  
11 who were geographically located much closer to each  
12 other?

13 A No, I had no idea where any of them lived.

14 Q Okay. What was your understanding of why  
15 it was decided upon that Representative Kaptur and  
16 Kucinich would be paired?

17 A I don't know.

18 Q What did you think at the time of the  
19 pairing of Representatives Sutton and Renacci?

20 A Were they paired, too?

21 Q They were paired as well.

22 A I didn't remember that. I didn't think  
23 much of it. It's Renacci by the way.

24 Q Oh, okay.

25 A Everybody mispronounces his name. One of

1 S. Chabot

2 the reasons he didn't win this year.

3 Q Maybe I should have known it from the two  
4 Ns instead of two Cs.

5 A Trump mispronounces my name, as does Bush.  
6 They all did.

7 Q Hopefully at least I've gotten that right  
8 today.

9 (Laughter.)

10 So as you seem not to recall that, do you  
11 then not have any recollection of what you thought of  
12 that pairing in 2011?

13 A No. I don't. I don't have any  
14 recollection.

15 Q And would you agree that with the  
16 delegation going from 18 to 16 seats only two sets of  
17 incumbents needed to be paired?

18 MS. MCKNIGHT: Objection.

19 A I just don't have any thoughts about that  
20 really.

21 Q Okay. Did you have any understanding at  
22 the time why instead three sets of incumbents were  
23 paired in the 2011 redistricting?

24 A No, I forgotten it had happened to be  
25 honest with you.

1 S. Chabot

2 MS. LEE: I am now having marked as  
3 Exhibit 3 the Reply in Further Support of the Motion of  
4 Republican Congressional Delegation Ohio Voters and  
5 Republican Party Organizations to Intervene.

6 (Chabot Exhibit 3, Reply in Further Support  
7 of the Motion of Republican Congressional Delegation  
8 Ohio Voters and Republican Party Organizations to  
9 Intervene marked for identification as of this date)

10 Q This was filed by your attorneys in further  
11 support of your and the other members' requests to join  
12 this case.

13 Much like the document we just reviewed in  
14 Exhibit 2, in this document your attorneys are making  
15 representations to the court on your behalf; is that  
16 correct?

17 A I believe that is correct.

18 Q And can you please turn with me to page 5  
19 of this exhibit?

20 A Yes.

21 Q And beginning four lines above the  
22 footnote, it reads: "Members of Congress have ongoing  
23 and working relationships with these constituents and  
24 constituent groups who turn to members of Congress for  
25 a variety of needs from ministerial to substantive

1 S. Chabot

2 lobbying."

3 Is that correct?

4 A It's correct that it says that.

5 Q Do you think this would include all of the  
6 things you previously described with respect to  
7 constituent services?

8 MS. MCKNIGHT: Object to form.

9 A I really don't know what you mean by that.

10 Q Do you believe that the content of the  
11 sentence we've just read is true?

12 A Members of Congress had ongoing and working  
13 relationship with --

14 (Witness reading.)

15 A Yes, I think that's probably true.

16 Q And in the first district, can you give  
17 examples of ongoing and working relationships you have  
18 with your constituents and constituent groups?

19 A With constituents, you know, you  
20 oftentimes, for example, if it's a veteran's benefit  
21 claim, they can go on literally for years and years or  
22 you represent somebody on this matter and they come  
23 back for a long time. That would be an example of an  
24 individual that you, you know, have a relationship  
25 with. And you have to relearn and they have to get to

1 S. Chabot

2 know the member of Congress's staff all over again if  
3 you change things around on them.

4 As far as a group, we have lots of groups  
5 that we have a relationship with and come in and meet  
6 with us, you know, every year for a variety of things.  
7 Just the different groups that come in so you get to  
8 know the people and sometimes they're the same people  
9 but then they have turnover like we all do.

10 But it helps to know who they are and you  
11 have the issues and you have got a file from the last  
12 time they were in.

13 So you have relationships that are ongoing.  
14 And sometimes the issues are new and sometimes they're  
15 not. But...

16 Q Do any of these constituent groups include  
17 Democrats?

18 A Sure.

19 Q Are any of these constituent groups  
20 specifically Democratic organizations?

21 A Not specifically Democratic organizations,  
22 nor would they be Republican organizations either. I  
23 mean, they're groups of people that you don't think if  
24 they're Democrats and Republicans. When I say they're  
25 Democrats, I don't know, and I assume that a whole lot



1 S. Chabot

2 are Democrats because we don't ask that question.

3 Q So is it correct then to say that it's not  
4 specifically political groups that are ever meeting  
5 with you?

6 A That's exactly right. Yeah, we wouldn't  
7 have a Republican such-and-such come into my official  
8 office and meet with us, nor would we have the Democrat  
9 group come in and meet with us so it's just not  
10 something that comes up.

11 Q Sure. And can you now turn with me to page  
12 7 also in this exhibit?

13 A Yes.

14 Q In the first line, the first full sentence  
15 at the top of the page, it says: "Doing their job well  
16 requires unrelenting fundraising efforts that begin the  
17 day they are elected to office and continue until they  
18 step down or are voted out."

19 Is that correct?

20 MS. MCKNIGHT: Objection.

21 A It says unrelenting from the day they enter  
22 the office. I don't know that I was out making phone  
23 calls to raise money the day I was elected to office.  
24 So I don't recall that myself. I can't speak for  
25 others.

1 S. Chabot

2 Q Sure.

3 A It is something you do spend time raising  
4 money. And you have -- the Democrats go over to the  
5 Democratic campaign committee and the Republicans go to  
6 the republican campaign committee. And they literally  
7 have offices, little cubby holes in there where you  
8 make phone calls for an event you have. Both sides do  
9 it throughout the time. But I don't think I did it the  
10 day I went in there. Probably the week I went in  
11 there, maybe the month. But I'm not exactly sure.

12 Q Okay. Understood. And continuing in this  
13 same paragraph the next sentence reads: "These  
14 fundraising efforts would be wasted in district lines  
15 were changed and a member was paired with another  
16 incumbent or moved from a favorable to unfavorable  
17 district."

18 Do you see that?

19 A I see that.

20 Q What is a favorable district?

21 A I can't answer that question.

22 Q Do you know what an unfavorable district  
23 would be?

24 A Nope, can't answer that either.

25 Q So this sentence here, do you think that

1 S. Chabot

2 would apply then to you?

3 A I'm not sure exactly what they mean by  
4 favorable and unfavorable. So I can't really venture  
5 an opinion as to whether it applies to me.

6 Q Okay. Continuing on in this document,  
7 could you please turn to page 10. In the second  
8 paragraph under section B in the second sentence of  
9 that paragraph, it says: "But plaintiffs ignore the  
10 reality that redistricting is a zero sum game."

11 Do you see that sentence?

12 A I see that sentence.

13 Q Do you agree that redistricting is a zero  
14 sum game?

15 MS. MCKNIGHT: Objection.

16 A I'm not sure exactly what they mean by that  
17 either.

18 Q Okay. And turning from the document for  
19 one moment. In intervening in this case your attorneys  
20 have described how your and the other members'  
21 interests are different than those of the defendants,  
22 which include the leaders of the Ohio General Assembly  
23 and also the Secretary of State of Ohio.

24 Before turning to those particular  
25 differences, who's responsible for drawing the

1 S. Chabot

2 congressional map in Ohio?

3 MS. MCKNIGHT: Objection.

4 A As far as I know, the legislature is  
5 responsible for that.

6 Q Okay. Do you agree that in general you  
7 have a different interest in the congressional map than  
8 the Ohio General Assembly?

9 MS. MCKNIGHT: Objection.

10 A That I have a different -- could you repeat  
11 that again?

12 Q Do you have a different interest in the  
13 Ohio congressional map than does the Ohio General  
14 Assembly?

15 MS. MCKNIGHT: Objection.

16 A Well, I represent the people in that  
17 district. I'm the only person that represents all of  
18 those people in that district so it's different from  
19 anybody. They represent different districts, for  
20 example. So I think it's different to some degree so  
21 yes.

22 Q Please turn with me to page 14 of the  
23 document in front of you.

24 A Okay.

25 Q In the first paragraph it says, beginning

1 S. Chabot

2 in the second sentence there: "The governmental  
3 defendants are not charged --

4 A Could you -- you've lost me. You said the  
5 first paragraph?

6 Q The first paragraph.

7 A On page 14?

8 Q On page 14. The second sentence.

9 A But I'm --

10 Q The second sentence begins, "To the  
11 contrary" --

12 A Yeah.

13 Q And then it says, "the governmental  
14 defendants" --

15 A Okay.

16 Q -- "are not charged and should not be  
17 charged with assisting the intervenor applicants in  
18 maintaining any particular type or level of electoral  
19 participation.

20 "They," referring to the governmental  
21 defendants, "represent all citizens and even if they  
22 take a view in defense of the law, their representation  
23 of all Ohio citizens competing electoral interests,  
24 including plaintiffs, does not adequately represent  
25 intervenor applicants' particular interests."

1 S. Chabot

2 Do you see those two sentences?

3 A I see that it says that. I'm not sure  
4 exactly what all that means.

5 Q Do you agree with the general proposition  
6 that Ohio citizens have competing electoral interests  
7 from each other?

8 A I don't really know the answer to that  
9 question.

10 Q Okay. Do you agree that plaintiffs in this  
11 case have certain interests?

12 MS. MCKNIGHT: Objection.

13 A And the plaintiffs are -- am I one of those  
14 people?

15 Q No, you're the intervenor. The  
16 plaintiffs --

17 A You're talking about the other groups.  
18 What's the question again?

19 Q Do you agree that the plaintiffs have  
20 particular electoral interests?

21 MS. MCKNIGHT: Objection.

22 A I mean, they filed a lawsuit, they're  
23 parties to a complaint. So they have some interest in  
24 something because they're in this suit so they have  
25 some interest. I wouldn't venture to define what those

1 S. Chabot

2 interests are.

3 Q And we've earlier covered that you have a  
4 personal interest in your district as the  
5 representative of that district; is that correct?

6 MS. MCKNIGHT: Objection.

7 A I think we have some interest, yes.

8 Q Okay. And you also are an Ohio citizen and  
9 a Ohio voter and you -- so you have certain personal  
10 electoral interest as well; is that correct?

11 MS. MCKNIGHT: Objection.

12 A That would be true, yes.

13 Q And Linda Goldenhar, who's a plaintiff in  
14 this case, is one of your constituents, lives in the  
15 first district. And many of the Hamilton County Young  
16 Democrats who are also plaintiffs in this case are  
17 constituents who live in the first district.

18 Is your interest in the first district at  
19 odds with theirs?

20 MS. MCKNIGHT: Objection.

21 A I don't have an answer to that. I'm not  
22 quite sure what you mean by that. Is my interest at  
23 odds with theirs? I'm sure we agree on some things and  
24 we disagree on some things.

25 Q Okay. The Hamilton County Young Democrats

1 S. Chabot

2 are an organization aimed at supporting young democrats  
3 and seeking the election of Democratic candidates. Do  
4 you think it is true that their interests are different  
5 than yours as a Republican elected official?

6 MS. MCKNIGHT: Objection.

7 A Again, I don't know the answer to that  
8 question. I'm guessing if they're the Young Democrats  
9 they probably don't vote for me too often. Maybe some  
10 of them do, but I don't know.

11 Q So one of the interests we discussed that  
12 was described by your attorney supporting intervention  
13 in this case was fundraising that you have to  
14 undertake; is that correct?

15 MS. MCKNIGHT: Objection.

16 A I think it is correct that that was talked  
17 about.

18 Q Okay. Have you ever used the prospect of  
19 redistricting in your fundraising efforts?

20 A I don't recall.

21 Q One of the sentences we just went over in  
22 your papers supporting intervention stated that if the  
23 lines of the districts were changed fundraising efforts  
24 would be wasted. Do you think that's true?

25 MS. MCKNIGHT: Objection.



Confidential

Page 65

1 S. Chabot

2 A I don't know.

3 Q Do you primarily fundraise from  
4 constituents within your district?

5 A I think that's accurate. I think we -- I  
6 know we primarily fundraise. And I think most of what  
7 we get is from within our district, I think. I  
8 really -- I just don't know.

9 Q Who is Dick Farmer?

10 A Who is Dick Farmer? Dick Farmer was the  
11 head of Cintas. I think he's retired. He may still be  
12 involved.

13 Q Do you know where Cintas is located? Where  
14 its headquarters are located?

15 A Yeah, they're off of 71 or 75, 71 in Warren  
16 County.

17 Q Do you know where Dick Farmer lives?

18 A I think he's a resident of Florida now. He  
19 may not be. I'm not sure where he maintains his  
20 residence.

21 Q In 2011, do you know where Mr. Farmer  
22 lived?

23 A No.

24 Q Prior to the 2011 redistricting, had you  
25 ever communicated with Mr. Farmer?

1 S. Chabot

2 A Yes.

3 Q Do you recall what about?

4 A No. I mean, I've known Dick for, I don't  
5 know, 30 years maybe.

6 MS. LEE: Let's look at an exhibit that I'm  
7 having marked as Exhibit 4.

8 (Chabot Exhibit 4, Email String, marked for  
9 identification as of this date)

10 Q This is a document we received from your  
11 attorneys in this case, one of just a few documents  
12 that was produced. Looking at this document, if you  
13 look at sort of the earliest of the emails in the chain  
14 it goes in reverse chronological order. You're writing  
15 to Mr. Farmer or someone from your account is writing  
16 to Mr. Farmer and it says: "I hope this email finds  
17 you well. Do you have a few minutes" --

18 A I'm not sure where you're at. I see,  
19 "Thank you very much."

20 Q The next one down, the chain is in reverse  
21 chronological order, sort of mid page from Steve --

22 A I'm not sure where --

23 MS. MCKNIGHT: She's asking here.

24 A Where it says "I hope"?

25 Q Yes.

1 S. Chabot

2 A Gotcha.

3 Q In this email to Mr. Farmer, it says: "I  
4 want to give you an update on redistricting now that it  
5 is in full swing and we now have an idea of what the  
6 maps could look like next year."

7 Do you see that?

8 A I do see it.

9 Q Is this one of the only times you've ever  
10 communicated regarding redistricting?

11 MS. MCKNIGHT: Objection.

12 A I have no idea and I don't remember doing  
13 this. My guess is probably somebody did this on my  
14 behalf but...

15 Q Okay. And above it indicates Susan Towns.  
16 Do you know who Ms. Towns is?

17 A I think she works for Cintas. I think she  
18 may still work there. I'm not really sure. But she's  
19 a person that works there.

20 Q And in this email, in response to the  
21 original email that's indicated, you or whoever sent  
22 it, wanted to give an update on redistricting.  
23 Ms. Towns writes back to you, says: "Congressman  
24 Chabot, Mr. Farmer asked me to get in touch with you  
25 regarding your note below. He is out of the country

1 S. Chabot

2 until the middle of October. Per your conversation  
3 with me last week, Mr. Farmer is sending a check for  
4 \$5,000 to your campaign prior to September 30th. I've  
5 also shared with him the information regarding  
6 redistricting. If there is anything further you need  
7 to discuss with him prior to October 30th, please let  
8 me know, and I will have Rick Roeding get in touch with  
9 you on Mr. Farmer's behalf."

10 Do you know who Mr. Roeding is?

11 A I assume he works there but I'm not sure  
12 who he is.

13 Q Do you recall if you spoke with Mr. Roeding  
14 regarding redistricting?

15 A No.

16 Q Okay. Do you know if you eventually  
17 communicated with Mr. Farmer regarding redistricting  
18 when he returned to the country?

19 A I don't recall.

20 Q In this original email you sought to speak  
21 with him on September 19th, 2011. This was before the  
22 2011 redistricting plan was passed; is that correct?

23 A I don't know.

24 Q Do you know why you wanted to talk to him  
25 about what the map would look like?

1 S. Chabot

2 A I don't remember. I mean, they're in  
3 Warren County. They're located there. Other than  
4 that, I don't know.

5 Q And Cintas is a very large company, it's in  
6 the Fortune 1000; is that correct?

7 MS. MCKNIGHT: Objection.

8 A I don't know. I know they're a big  
9 company. I have no idea the size.

10 Q Were you concerned with ensuring Cintas  
11 Corporation was within your district?

12 MS. MCKNIGHT: Objection.

13 A Not that I recollect.

14 Q We can put that document to the side.  
15 As we've discussed, you were first elected  
16 to Congress in November 1994. Before you were in  
17 Congress did you have any knowledge of the  
18 redistricting process in Ohio?

19 A I don't know when I first knew that every  
20 10 years after a census the lines were redrawn. But  
21 I've had some knowledge about that maybe since high  
22 school or college, but I'm not really sure.

23 Q Sure. And once you were in Congress, is it  
24 fair to say that you took more of an interest in what  
25 the congressional district lines were going to look

1 S. Chabot

2 like?

3 MS. MCKNIGHT: Objection.

4 A Since I was in Congress, that would be  
5 accurate, yeah.

6 Q Following the 2000 census, did you have any  
7 personal familiarity with the 2001 redistricting  
8 process?

9 A Yes.

10 Q And what was that familiarity?

11 A The same, that -- that every 10 years the  
12 lines are redrawn, so...

13 Q And do you know who the Ohio Senate  
14 majority leader was in 2001?

15 A 2001, no.

16 Q And do you know which party was in the  
17 majority in the Ohio Senate in 2001?

18 A I think the Republicans were, but I'm not  
19 absolutely positive. I think they were.

20 Q And do you know which party was the  
21 majority in the Ohio House in 2001?

22 A I think Republicans were as well.

23 Q Do you know who the governor of Ohio was in  
24 2001?

25 A I think it was Bob Taft, I think.

1 S. Chabot

2 Q Do you know which political party he was  
3 from?

4 A He's a Republican.

5 Q After the 2001 redistricting, the first  
6 congressional district included a portion of Butler  
7 County and a larger portion of Hamilton County; is that  
8 correct?

9 MS. MCKNIGHT: Objection.

10 A It contained a portion -- you mean a larger  
11 proportion of Hamilton County than Butler County?

12 Q Yes.

13 A Yes.

14 Q Okay.

15 A I didn't know if you meant a larger portion  
16 then than it does now and that's what I was trying to  
17 think because I'm not really sure but I see what you  
18 mean.

19 Q Yes, okay. Great.

20 Could the entire first congressional  
21 district have been within Hamilton County in the 2001  
22 redistricting?

23 A I don't know.

24 Q And following the 2010 census, did you have  
25 any personal familiarity with the 2011 redistricting

1 S. Chabot

2 process?

3 A Yes.

4 Q And what was that?

5 A When you say familiarity, I mean, that it  
6 was happening. We were aware of it happening, yes.

7 Q And beyond the general that it was  
8 occurring, did you have any familiarity with the  
9 ongoing nature of that process, what was being  
10 discussed?

11 MS. MCKNIGHT: Objection.

12 A Familiarity?

13 Q Yes.

14 A Yes, I had familiarity with it, yes.

15 Q And what do you recall being discussed  
16 around that redistricting?

17 A What do I recall being discussed? I don't  
18 recall specifically what was discussed, but I'm sure we  
19 did discuss that type of thing.

20 Q Do you know who was the majority in the  
21 Ohio Senate in 2011?

22 A Is it Keith Faber? I'm not sure. I think  
23 it might have been him. He just got elected statewide  
24 to a different office but I don't recall if he was then  
25 or not. So I think he might have been but I'm not



1 S. Chabot

2 sure.

3 Q And just which political party was the  
4 majority in the Ohio Senate?

5 A Republican.

6 Q Which party was the majority in the Ohio  
7 House?

8 A Republican.

9 Q The governor at the time was John Kasich?

10 A Yes, it would be Kasich.

11 Q And what party was he from?

12 A He's Republican as well, we think.

13 Q Was there anything materially different  
14 about the government control in Ohio from 2001 to 2011?

15 MS. MCKNIGHT: Objection.

16 A I don't know what materially -- I don't  
17 know what that means. We had different people there,  
18 you had different governors, yeah, it was something  
19 different.

20 Q Was there anything different legislatively  
21 about the process between 2001 and 2011?

22 MS. MCKNIGHT: Objection.

23 A I'm not sure. I don't know. There had  
24 been several lawsuits filed in the past and I don't  
25 think they had passed. They may have made changes but

1 S. Chabot

2 I'm not sure. I really don't know.

3 Q No problem. In general, are meetings of  
4 the Ohio congressional delegation ever held?

5 A Ohio congressional -- yes.

6 Q Do these meetings include both the  
7 Democratic and the Republican members of the  
8 delegation?

9 A In the Ohio Republican delegation?

10 Q The Ohio congressional delegation.

11 A Oh, I thought you said Ohio Republican  
12 delegation.

13 Sometimes we all get together but it's more  
14 often not together when you do that, when we get  
15 together.

16 Q And so is it correct that it's more often  
17 that it is just the Republican members of the Ohio  
18 congressional delegation meeting?

19 A And just the Democrats --

20 Q Yes, as well.

21 A Yeah, it's more common for but we do  
22 sometimes all get together.

23 Q And for the meetings of just the Republican  
24 members of the Ohio congressional delegation, what  
25 would be the purpose of such meetings?

1 S. Chabot

2 A To discuss relevant matters.

3 Q And in general how would such meetings be  
4 called?

5 A Now or back then?

6 Q In 2011.

7 A In 2011? How would they be called? I  
8 think Boehner was speaker at the time so I'm trying to  
9 remember if I was dean at the time. I think I was, but  
10 I'm not absolutely sure if I was. I think I was.

11 So usually my chief of staff would say,  
12 "Hey, Steve, you know, we should do a thing, you know,  
13 a meeting."

14 So we'd send out that or she'd work with  
15 Boehner's office to send out something to all the  
16 members and make sure it was convenient on their  
17 schedules. And they get together with their schedulers  
18 and we have a meeting.

19 Q Okay. And prior to the 2011 redistricting  
20 being passed, was there ever a meeting of the  
21 Republican members of the delegation held to discuss  
22 redistricting?

23 A I don't remember.

24 Q And do you recall if redistricting was ever  
25 discussed by the entire delegation, both the Democratic

1 S. Chabot

2 and Republican members?

3 A I don't recall. I don't think so. I would  
4 guess that Republicans and Democrats didn't talk about  
5 it. I don't remember a time where we all got together  
6 in one forum.

7 We've had dinner a few times, all of us get  
8 together, Republicans and Democrats. We may have  
9 talked about it then. I just don't really remember.  
10 It's possible but I'm not sure.

11 Q Okay. Sure.

12 I'm now having an exhibit marked as  
13 Exhibit 5.

14 (Chabot Exhibit 5, 11/17/2010 Email to  
15 Susan Towns from Steve Chabot marked for identification  
16 as of this date)

17 A If I could supplement one of my answers  
18 here, I'm trying to be completely accurate.

19 Q Please go ahead.

20 A I think there were a number of times the  
21 governor would come in, I don't remember if it was  
22 Kasich or Taft or who was governor, but we would have  
23 the entire delegation together and we would talk about  
24 a whole range of things and both sides would be there  
25 along with the governor. So we did that a number of

1 S. Chabot

2 times during the years, over the years. Some years  
3 more than other years so...

4 Q Sure.

5 A Those were other times when we all got  
6 together, both Republicans and Democrats.

7 Did you just hand me this?

8 Q I did. I'd like to now show you a document  
9 being marked Exhibit 5. This document was not produced  
10 by you but by your colleague, Congressman Johnson,  
11 another intervenor in the case. This document came to  
12 us through your counsel who was in possession of it as  
13 well and this has been marked confidential.

14 So while we object to a designation of the  
15 meeting as confidential, but for the purposes of this  
16 deposition, however, I'll also mark this part of the  
17 deposition as confidential until the parties can agree  
18 to the confidentiality of the document or testimony  
19 related to it or until we get resolution from the court  
20 if that's necessary.

21 So turning to the document that has now  
22 been marked as Exhibit 5. It's an appointment. It  
23 appears to be from an Outlook calender. The subject,  
24 the fourth line from the top states, "Ohio delegation  
25 meeting with Congressman La Tourette Ohio 14."

1 S. Chabot

2 Do you see that?

3 A I do see that.

4 Q Did you know Congressman La Tourette?

5 A Yes.

6 Q Did you participate in any meetings with  
7 Congressman La Tourette?

8 A He's a member of the Ohio delegation or  
9 was, he's since passed away but, yes, we've been in  
10 meetings together many times.

11 Q And so does this appear to be a meeting  
12 that you likely would have been invited to?

13 MS. MCKNIGHT: Objection.

14 A I have no recollection at all.

15 Q Okay.

16 A If it says Ohio delegation, I would  
17 probably be there. That's what this is called, the  
18 delegation. He wasn't the ranking member, so I'm not  
19 sure why La Tourette would be calling a meeting so I  
20 just don't know.

21 Q Okay. And when your scheduler is setting  
22 up your calender, do you know if she, in general, would  
23 receive a similar type of calender invitation  
24 electronically?

25 MS. MCKNIGHT: Objection.

1 S. Chabot

2 A I don't know.

3 Q And it would be correct that you would not  
4 know whether Jamie and Brian searched for such calender  
5 invitations when they were responding to the subpoena?

6 MS. MCKNIGHT: Objection.

7 A I just don't know.

8 Q Okay. No problem.

9 Now, this calender invitation indicates  
10 that the meeting will be held in Speaker Boehner's  
11 leadership office. Do you see that?

12 A I do see that.

13 Q And do you know why Congressman La Tourette  
14 would have been calling a meeting to be held in the  
15 speaker's office?

16 A No.

17 Q In the meeting agenda here --

18 A Let me just -- when we held delegation  
19 meetings we oftentimes, when Boehner was speaker, we  
20 would meet in his office. So that's where we met  
21 oftentimes.

22 Q Okay.

23 A Because it was convenient for him because  
24 he was speaker and he had things he had to do in the  
25 Capital building.

1 S. Chabot

2 Q And the meeting agenda here, towards the  
3 second half of the page, contains four items. Do you  
4 see that?

5 A I see that.

6 Q And one of the agenda items is committee  
7 assignments; is that correct?

8 A It says that.

9 Q Okay. Would Representative La Tourette  
10 have power over committee assignments?

11 A My recollection is that at the time he was  
12 a representative on the steering committee and the  
13 steering committee is the group of us that puts us on  
14 committees and the Democrats have the same thing for  
15 them. So he has a vote among, you know, all the  
16 different people that vote on that.

17 So I'm assuming that that's what -- what --  
18 so he has some power because he's on the steering  
19 committee or was.

20 Q And at the time would Speaker Boehner be on  
21 the steering committee as well?

22 A Yes.

23 Q And as speaker, did he have an equal vote  
24 to everyone else on the committee or did --

25 A He has more votes. I think -- I don't know



1 S. Chabot

2 what it was at the time. I think the speaker currently  
3 gets, like, four votes and other people get one vote.  
4 There may be, the whip might get two or something like  
5 that. There may be others that get more than one but  
6 the speaker gets the most.

7 Q Understood.

8 A Because he or she is speaker.

9 Q Yes. And back to the agenda, the third  
10 item listed here is redistricting. Do you see that?

11 A I see that.

12 Q And do you recall redistricting ever being  
13 discussed in the delegation meeting in Speaker  
14 Boehner's office?

15 A I don't recall it, no.

16 Q Okay. I'll putting that document aside.  
17 Did you ever talk about redistricting with then Speaker  
18 Boehner?

19 A I don't recall specifically but I wouldn't  
20 be surprised if we discussed it at some point.

21 Q Would it be correct that you don't have any  
22 recollection of the substance of those conversations?

23 A That's correct.

24 Q Did you understand then Speaker Boehner to  
25 have some control in the area of redistricting?

1 S. Chabot

2 A He had four votes. Wait, excuse me, that's  
3 not right. That's the steering committee.

4 As speaker, he probably had some more --  
5 what was the word you used?

6 Q I said have some control.

7 A Control, yeah. I was thinking control or  
8 power or whatever. But he had more control over it  
9 than the rest of us. I would, again, I'm just assuming  
10 that because he's speaker.

11 Q Sure. And in 2010 or 2011 did you ever  
12 have conversations about redistricting with any other  
13 Republican members of the Ohio congressional  
14 delegation?

15 A I don't recall, but I'm sure we probably  
16 talked about it on occasion.

17 Q And do you recall ever having conversations  
18 about redistricting with Democratic members of the  
19 delegation at the time?

20 A I don't recall but I think we probably did.

21 Q And do you recall ever talking about  
22 redistricting to other Congress people, meaning those  
23 who are not within the Ohio delegation?

24 A I'm sure we have conversations because they  
25 have the same things going on in their states and

1 S. Chabot

2 people talk about that kind of stuff occasionally. I  
3 don't specifically remember them but that's the kind of  
4 stuff you talk about.

5 Q Sure.

6 MS. MCKNIGHT: Counsel, if it's convenient,  
7 we've been going about an hour and a half now. It may  
8 make sense to take a break. Could we go off the  
9 record?

10 (There was a discussion held off the  
11 record.)

12 BY MS. LEE:

13 Q Congressman, did you, in 2010 or 2011, ever  
14 email with any other Congress people about  
15 redistricting that you recall?

16 A Not that I recall.

17 Q And at that time did you regularly use text  
18 or other messages to communicate with other Congress  
19 people?

20 A I don't think I used text at all back then.

21 Q Okay.

22 A That was a pretty recent development on my  
23 part.

24 Q Understood. And we've touched on this a  
25 little bit but is it the case that your staff people

1 S. Chabot

2 communicate with others on your behalf?

3 A They do.

4 Q And do you know if any members of your  
5 staff communicated with other congressional staffers  
6 about the Ohio redistricting?

7 A Not that I'm aware of.

8 Q Did you ever have any member of your staff  
9 reach out to any members of Speaker Boehner's staff  
10 about redistricting?

11 A Not that I'm aware of.

12 Q Did you ever discuss where the lines in  
13 your district might be drawn for the 2011  
14 redistricting?

15 A I don't recall.

16 Q Have you ever heard of Project Red Map?

17 A No. I don't recall ever hearing that  
18 before. I'm definitely aware of Act Blue. That's a  
19 color that we heard a whole lot about over the years  
20 but especially this year.

21 Q Understood. Do you know Tom, and I may  
22 well pronounce his last name incorrectly as well,  
23 Niehaus?

24 A Tom, yes.

25 Q And who is he?

1 S. Chabot

2 A I'm trying to remember. I don't recall if  
3 he was in the Senate or the state. I forget his  
4 position, but I think he was actually one of the  
5 leaders in one or the other. He was a state rep or  
6 state senator.

7 Q And do you know if Mr. Niehaus was involved  
8 in Ohio's congressional redistricting?

9 A I don't know.

10 Q Did you have any conversations with Tom  
11 Niehaus in 2011 regarding Ohio's redistricting?

12 A I don't recall.

13 Q Do you know if you had any of your staffers  
14 communicate with Tom Niehaus regarding Ohio's  
15 redistricting?

16 A I don't recall.

17 Q Do you know Bill Batchelder?

18 A Yes.

19 Q Who is he?

20 A He was the speaker, I don't remember if it  
21 was that time, but I think he was speaker of the House.

22 Q And do you have any understanding of his  
23 involvement with Ohio's congressional redistricting?

24 A No, but I assume in that capacity that he  
25 would have had some involvement.

1 S. Chabot

2 Q Do you recall any conversations you had  
3 with him regarding Ohio's redistricting?

4 A No.

5 Q Did you know Bob Bennett?

6 A He was the head of the party. I don't  
7 remember if it was at that time and he's since  
8 depart -- he's deceased now.

9 Q Yes. Do you know anything about his  
10 involvement in Ohio's congressional redistricting?

11 A No.

12 Q Do you know if any of your staffers had any  
13 conversations with Mr. Bennett or members of his staff  
14 regarding Ohio's redistricting?

15 A Not that I'm aware of.

16 Q Do you know Heather Mann, last name is now  
17 Blessing?

18 A I know some Blessings. I don't know if I  
19 know Heather Blessing.

20 Q Do you have any knowledge of her  
21 involvement in Ohio congressional redistricting?

22 A No.

23 Q Do you know Ray DiRossi?

24 A No.

25 Q Did you know Tom Hofeller?

1 S. Chabot

2 A It doesn't ring a bell.

3 Q Do you know Mark Braden?

4 A Yes, he's the attorney -- I don't know if  
5 he's this firm but he's a very good attorney from what  
6 I understand.

7 Q Okay.

8 A Been around for a long time.

9 Q Do you know if Mr. Braden had any  
10 involvement in Ohio's congressional redistricting?

11 A I don't recall.

12 Q Do you know John Morgan?

13 A Doesn't ring a bell.

14 Q Do you know Adam Kincaid?

15 A Doesn't ring a bell either.

16 Q And for each of the names that you don't  
17 remember and doesn't ring a bell, to sort of save us  
18 all time, I'm not marching through the rest of the  
19 questions, but would it be fair to say that for each of  
20 the individuals you don't recall, you equally don't  
21 recall any conversations with them had by you or your  
22 staff?

23 A That's correct.

24 Q Do you know Tom Whatman?

25 A I know Tom, yes.

1 S. Chabot

2 Q And who is he?

3 A I don't know, he's been around politics for  
4 a long time. I'm not really sure what his capacity is.

5 Q Okay. And did Mr. Whatman have any  
6 involvement in Ohio's redistricting that you're aware  
7 of?

8 A You know, I don't know. I remember his  
9 name being talked about. May have been in press  
10 reports and things.

11 Q In 2011 did you have any particular  
12 understanding of Speaker Boehner's relationship with  
13 the Ohio redistricting?

14 A His relationship of redistricting? He was  
15 involved as speaker of the house. He had been in the  
16 state legislature himself prior to that, too. So he  
17 was kind of familiar with the process.

18 Q Sure. Do you know if Speaker Boehner  
19 communicated with any members of the Ohio General  
20 Assembly about the congressional map?

21 A I don't know if he did or didn't. But I'd  
22 be surprised if he didn't as Speaker of the House.

23 Q Sure. Did you ever discuss with Speaker  
24 Boehner what you wanted your district to look like?

25 A I don't recall specifically. I'm sure we



1 S. Chabot

2 had some conversations about it. Our districts were  
3 adjacent to each other. But I don't recall the  
4 specifics of it.

5 Q And through his role as speaker at the  
6 time, is it your understanding that Mr. Boehner was  
7 then the head of the NRCC?

8 A I don't think he was the head of the NRCC.  
9 There's a chairman who's the head of it, I think. But  
10 he's the head of -- so I guess it's head of -- it's  
11 hard -- I don't think he's the head of the NRCC.

12 There's a person that's called the chairman  
13 of the NRCC and it's not Boehner. There's somebody  
14 that specifically has that role. He's probably over  
15 them but...

16 Q That would be --

17 A Sorry for the long answer.

18 Q No --

19 A On one hand, but on the other hand.

20 (Laughter.)

21 Q And that would be because of his role as  
22 speaker, not -- whoever had the role of speaker would  
23 have that position?

24 A Would be kind of over all the rest of the  
25 stuff. But the NRCC is its own entity and they have a

1 S. Chabot

2 chairman who's in charge of that.

3 Q Okay. And what is your understanding of  
4 the role of the NRCC with respect to the Republican  
5 members of Congress?

6 A It's our political organization. They  
7 raise money. They target races. They try to defend  
8 ones that we think are vulnerable and they try to  
9 target Democratic members who they think are vulnerable  
10 and so that's what they do. And that's a DCCC,  
11 Democratic Congressional Campaign that basically serves  
12 the same function on the other -- for the other party.

13 Q Have you ever attended any presentations by  
14 the NRCC related to redistricting?

15 A Not that I recall.

16 Q Do you recall ever reviewing any materials  
17 by the NRCC related to redistricting?

18 A Not that I recall.

19 Q And has anyone on your staff attended  
20 presentations by the NRCC related to districting that  
21 you're aware of?

22 A Not that I'm aware of.

23 Q Did anyone on your staff ever report back  
24 to you regarding an NRCC redistricting presentation?

25 A Not that I recall.

1 S. Chabot

2 Q In general, is it usually the case that  
3 incumbents are elected?

4 MS. MCKNIGHT: Objection.

5 A I think the percentages, if you look at  
6 them historically, generally Republicans are more  
7 likely to be elected than not. Did I say incumbents?  
8 Incumbents are elected. I wanted to say the right  
9 thing. Sometimes I just say the wrong word.

10 (Laughter.)

11 Q Do you have any knowledge of why incumbents  
12 might not be reelected?

13 A Why incumbents might not be reelected?  
14 Because there's a better candidate or better funding,  
15 or they may have a scandal.

16 There's a whole range of reasons incumbents  
17 can lose. A lot of them are friends of mine. In New  
18 Jersey there were four out of five Republicans who  
19 lost. Now we're down to one Republican and we had  
20 five.

21 In California there are 53 members of  
22 Congress and there are going to be 46 Democrats and 7  
23 Republicans. So that shows you, you know, it can kind  
24 of go both ways.

25 Q But the Ohio delegation did not shift other

1 S. Chabot

2 than Mr. -- I'm going to butcher it -- Renacci,  
3 Mr. Renacci not running for office in the 16th; is that  
4 correct?

5 MS. MCKNIGHT: Objection.

6 A I'm not sure exactly what the question is.

7 Q So you're referring to delegation changes  
8 in New Jersey and California. Is it true that after  
9 this last election the Ohio delegation did not change  
10 in composition?

11 MS. MCKNIGHT: Objection.

12 A I don't think it changed the competition in  
13 Ohio this election.

14 Q After you were elected --

15 A Although that's not true either. We had  
16 several retirements and they were replaced by other  
17 people so it did change somewhat.

18 Q But did the party breakdown change at all?

19 A I don't think the party changed, no.

20 Q After being elected in 1994 you held your  
21 seat until you were defeated by Steve Driehaus in 2008;  
22 is that correct?

23 A Unfortunately, Steve Driehaus did defeat me  
24 in 2008.

25 Q Why do you think you lost to Mr. Driehaus?

1 S. Chabot

2 A Why do I think I lost to Mr. Driehaus? Not  
3 to be flippant, but he got more votes than I did.  
4 That's how you lose races. So you want to get more  
5 votes than your opponent does.

6 Q Do you have any thoughts on what the cause  
7 of Mr. Driehaus getting more votes than you was?

8 A Well, that year candidate Obama beating  
9 candidate McCain by 11 percent and I lost that year.  
10 So the next year candidate Obama, who was then  
11 President Obama wasn't on the ballot. The district was  
12 exactly the same and I won the next time against the  
13 same person that had beat me.

14 So you can kind of make arguments about it.  
15 I hadn't really changed and Driehaus hadn't really  
16 changed. He did vote for Obamacare or the so-called  
17 Affordable Care Act, some people call it the  
18 unAffordable Care Act.

19 So there were issues that were out there.  
20 But he beat me and then I beat him. And we're the same  
21 people in the same district. The district had not been  
22 redrawn or anything else.

23 I generally attributed it to increased  
24 turnout for Barack Obama that year that I lost. I  
25 think that's probably what it was more than anything

1 S. Chabot

2 else.

3 Q At the time that Mr. Driehaus prevailed in  
4 the November 2008 election, did you communicate with  
5 anyone regarding why you might have lost that election?

6 A I'm sure I did.

7 Q Would any of those communications have  
8 occurred over email or text messages?

9 A I doubt it.

10 Q And in 2008 Mr. Driehaus defeated you with  
11 52 percent of the vote to 48 percent. Do you recall  
12 that?

13 A Yeah, it was approximately that. Thanks a  
14 lot.

15 Q Well, here you go.

16 A Yeah, it was around that.

17 (Laughter.)

18 Q And then in 2010 you came back and defeated  
19 Mr. Driehaus garnering 52 percent of the vote, the same  
20 as he had in the previous year?

21 A I thought it was a little more than that,  
22 but if that's what you're saying. I thought he beat me  
23 by 5 the first time and I beat him by 5 and a half the  
24 second time. But then you have absentees that come in  
25 and some provisional ballots and stuff. That tends to

1 S. Chabot

2 go more Democratic by a percent or so. Yours are  
3 probably more accurate because I'm remembering on  
4 election night and you're probably the actual results  
5 after more Democratic votes came in. So, again, thanks  
6 a lot.

7 Q And that 2010 election in which you won,  
8 was the last one under the previous congressional map;  
9 is that correct?

10 A That is correct. But I would like to make  
11 the point that he beat me under that old map and I beat  
12 him in the same district. So we both beat each other  
13 in that same district. The district had not changed.

14 Q Yes. And then in 2012, which was under the  
15 new congressional map where the district had changed --

16 A That's right.

17 Q -- you won your seat with 58 percent of the  
18 vote; is that correct?

19 A I did, against a guy that spent zero money  
20 on the race and said he had no chance of winning and  
21 didn't run a campaign at all.

22 Q In 2012 was another presidential election  
23 year in which President Obama was on the ballot, much  
24 like one of the reasons you said that Mr. Driehaus  
25 defeated you. Do you have any opinion as to why that

1 S. Chabot

2 didn't cause the same effect in 2012?

3 A Well, Driehaus probably spent 2 million  
4 dollars and this guy spent zero.

5 Q Okay. And you do agree that the District  
6 1, your district changed between the 2010 election and  
7 the 2012 election?

8 A Yes.

9 Q Do you think that your district became more  
10 favorable with that redistricting?

11 A It depends on what your definition of  
12 favorable would be.

13 Q From your personal perspective, did you  
14 think the district was more favorable to you as a  
15 candidate when it happened?

16 A I think they were both great districts.

17 Q Have you ever heard of congressional  
18 districts being ranked as plus or minus some number  
19 with respect to each of the main political parties?

20 A I have heard that before.

21 Q And this ranking is sometimes referred to  
22 as a partisan index or partisan voting index or PVI.  
23 Does that sound familiar?

24 A It sounds familiar, yes.

25 MS. LEE: I'm now having marked as



1 S. Chabot

2 Exhibit 6 a Presentation of the National Republican  
3 Congressional Committee from 2012.

4 (Chabot Exhibit 6, Presentation of the  
5 National Republican Congressional Committee from 2012,  
6 marked for identification as of this date)

7 MS. LEE: Counsel, for reference this is  
8 NRCC 000031 as the Bates is not visible on this  
9 document because the first version with the Bates was  
10 pretty illegible.

11 BY MS. LEE:

12 Q Have you seen this presentation before?  
13 Does it look familiar to you?

14 A It doesn't look familiar to me.

15 Q Can you flip with me to the fourth page of  
16 this presentation?

17 A Yes. Am I on the right page?

18 Q The next one. This slide is titled "R for  
19 Republican Seats Moved Out of Play." Do you see that?

20 A I see that, yes.

21 Q That's the title. And then underneath that  
22 line it indicates that a number in parentheses  
23 indicates the shift in Republican favor.

24 If you look in the second column the third  
25 entry down it says, "Ohio 1 Chabot R plus 6." And in

1 S. Chabot

2 parentheses it says "plus 7." Do you see that?

3 A I see that.

4 Q So is this presentation by the NRCC  
5 indicating there was a 7 point shift in favor of  
6 Republicans in your district by the 2011 redistricting?

7 MS. MCKNIGHT: Objection.

8 A I don't know what it means. Why is the one  
9 6 and one 7?

10 Q So the slide indicates that the number in  
11 parentheses indicates the shift in Republican favor.

12 A Oh, I see what you're saying. Okay. Okay.  
13 I understand what it means now. I didn't really  
14 understand before exactly what it was. I have not seen  
15 this before that I'm aware of but I do see it now.

16 Q Okay. And is this slide by the NRCC, which  
17 you indicated was the political arm for the Republican  
18 members of Congress, indicating there was a 7 point  
19 shift in Republican favor in your district?

20 A If that's what it says, apparently that's  
21 what they're trying to portray here. I'm not aware of  
22 that. I wouldn't specifically say myself that's true  
23 or that's what it means. But according to you that's  
24 what that is supposed to indicate.

25 Q Okay. And in 2012, before the 2012

1 S. Chabot

2 election, did you have any knowledge of what the  
3 partisan index or partisan voting index or PVI ranking  
4 of your district was?

5 A Before the 2012?

6 Q After the 2011 redistricting but before the  
7 2012 election, did you have any knowledge of the PVI of  
8 your district?

9 A I'm sorry, I still don't understand that  
10 question. Could you repeat that again?

11 Q So after the 2011 redistricting?

12 A After the redistricting, okay.

13 Q So the new District 1, the shape that it's  
14 currently in, did you have any knowledge of what  
15 voting, partisan voting index or PVI was then assigned  
16 to your district?

17 A I recall a number similar to this that I  
18 heard that I don't remember who told me or where I saw  
19 it, but I remember something about that.

20 Q And do you recall that being a number more  
21 in Republican favor than it had been under the previous  
22 congressional map?

23 A Yes.

24 Q Did you have conversations with anyone at  
25 the time about your district becoming more favorable

1 S. Chabot

2 through measurements such as this due to the  
3 redistricting?

4 A I don't recall any conversations about this  
5 in my district. I recall having -- I don't recall  
6 specifically but I can't imagine I wouldn't have talked  
7 to people about my district, you know, when you're  
8 doing redistricting.

9 Q Sure. Do you have any understanding of why  
10 your district was improved in Republican favor, the  
11 cause behind it being drawn that way?

12 MS. MCKNIGHT: Objection.

13 A Not really, I mean I assume that -- not  
14 really.

15 Q Okay. Changing gears here a little bit.  
16 Is it your perspective that people have the best  
17 understanding of their home community?

18 A Yes.

19 Q Do you find that people all over have a  
20 unique perspective on their own hometown?

21 MS. MCKNIGHT: Objection.

22 A I would assume that's the case.

23 Q Those who live in a certain town know it  
24 better than the outsiders?

25 A I would assume that's the case, yes.

1 S. Chabot

2 Q Do you think it is a fair characterization  
3 of Congressional District 1 in the time that you've  
4 been its representative that the anchor of the district  
5 has been Hamilton County?

6 MS. MCKNIGHT: Objection.

7 A I mean, it's contained more of Hamilton  
8 County than any other area. But if you're in Warren  
9 County or if you're in those parts of Butler County, to  
10 them you're a part of that community is every bit as  
11 important to them.

12 Q But is it fair to say that across those  
13 redistrictings Hamilton County is the only county that  
14 has always been part of District 1, is that true?

15 A Yes.

16 Q And would you agree that the county seat of  
17 Hamilton County is the city of Cincinnati?

18 A The county seat's in Cincinnati, I think.  
19 That's where the courthouse is and the city. There's  
20 more people in Cincinnati than any other part of  
21 Hamilton County. Although there's more people outside  
22 the city in Hamilton County than there are inside the  
23 city.

24 Q Is it true that Cincinnati is the largest  
25 city in southwest Ohio?

1 S. Chabot

2 A Yes.

3 Q Would you agree that Cincinnati has had  
4 particular development projects over the years?

5 A Yes.

6 Q Is the revitalization of the waterfront  
7 along the Ohio River one of those projects?

8 A Yes.

9 Q All right. And you're from Cincinnati; is  
10 that correct?

11 A I am. I live in the city and have for  
12 about 60 years.

13 Q What neighborhood do you live in?

14 A Westwood.

15 Q Am I correct that neighborhoods in  
16 Cincinnati have more of an official function than just  
17 naming of an area as in other cities?

18 MS. MCKNIGHT: Objection.

19 A I mean, there are community councils and  
20 things like that in those -- it's about 53  
21 neighborhoods or so in Cincinnati so they have some --  
22 some power. I mean, they might get a little bit of  
23 money, the community council, for some project in the  
24 community.

25 Q Let's turn then to the first district

1 S. Chabot

2 specifically. I'm having marked here as Exhibit 7.

3 (Chabot Exhibit 7, Congressional Districts  
4 Map for Ohio, marked for identification as of this  
5 date)

6 Q Congressman, do you recognize what is  
7 depicted here?

8 A Yes.

9 Q What is this?

10 A These the congressional districts  
11 throughout Ohio.

12 Q And looking at the map, is there anything  
13 that you view as notable about it?

14 A There's 16 districts and one of them is  
15 mine, the one I have the honor to represent.

16 Q Is there anything else that you would say  
17 stands out about the -- about the map in your opinion?

18 A I think it's the greatest state of the 50  
19 states that are in the United States.

20 Q Okay. And now let's zoom into the first  
21 district.

22 I'm having marked a document as Exhibit 8.

23 (Chabot Exhibit 8, First Congressional  
24 District of Ohio Map, marked for identification as of  
25 this date)

1 S. Chabot

2 Q Do you recognize what's depicted here in  
3 Exhibit 8?

4 A I do. That's the First Congressional  
5 District of Ohio.

6 Q Would you agree that in Hamilton County,  
7 the first district and the second district kind of wrap  
8 around each other?

9 MS. MCKNIGHT: Objection.

10 A I don't know what that means.

11 Q Would you agree that starting on the  
12 westerly-most part of Hamilton County you're in the  
13 first district and coming straight across the county  
14 across the city of Cincinnati you then enter the second  
15 district?

16 A I guess I don't understand. Are you  
17 talking about this part here (indicating)?

18 Q Yes.

19 A So what -- I'm happy to answer your  
20 question.

21 Q Sure. So would you agree that the first  
22 district in Hamilton County comes around, bounds the  
23 second district on two sides within the county?

24 A There is a small portion of it that does  
25 there, if that's what you're getting at. I would agree



1 S. Chabot

2 that this part is around this part. But it's not  
3 around all that other part out there.

4 Q Sure. What would you say is the purpose of  
5 this configuration of the two districts within Hamilton  
6 County?

7 A What would I say the purpose of that is?  
8 To show the lines between the two districts.

9 Q What would you say the reason for Hamilton  
10 County being split up in this way would be?

11 A Well, I can tell you what I've heard but  
12 it's hearsay. But what I understand --

13 Q Please.

14 A -- is we were losing two seats in Ohio. We  
15 were going from 18 to 16. So a number of the new  
16 districts had to pick up people, including mine. We  
17 had to pick up about a hundred thousand new people.

18 And the way our district is -- so we had to  
19 pick up about 100,000, might have been 130,000 new  
20 people or something like that.

21 So if you're picking up people, you're  
22 going to go in one direct or another to pick these  
23 people up. We couldn't go south because that's  
24 Kentucky. We can't pick up Kentucky people.

25 We couldn't go west, because that's

1 S. Chabot

2 Indiana. So we either go this way or this way.

3 Now, north was the Speaker of the House.  
4 Butler County up here had been divided. It had been  
5 divided into -- I had a little bit of Butler County up  
6 here and Boehner had the rest and then some. So this  
7 county of the made as one.

8 Now, east you've got another member of  
9 Congress's district here. It was Jean Schmidt at the  
10 time. It's now Brad Wenstrup.

11 This county, Warren County, was divided  
12 like Butler County was divided. Warren County was  
13 divided into two parts, too.

14 One of the things they tried to do is if  
15 you can have all of the county be in a district, do  
16 that.

17 So my understanding what I heard afterwards  
18 is they made Butler County one whole county, one  
19 district. They made Warren County whole.

20 So rather than this one being split into  
21 two parts and this one being split into two parts, they  
22 made those both whole. They impacted other districts  
23 much less by doing it the way they did it. That's what  
24 I heard after the fact.

25 I don't remember who told me that. Brian

1 S. Chabot

2 may have told me that he heard that. I just don't  
3 recall who it was.

4 And what I heard was that the reason they  
5 cut this part out of Hamilton County instead of just  
6 draw a line straight up is you would have drawn  
7 African-Americans out of the district by doing it this  
8 way and they would have been adversely impacting the  
9 interest of African-Americans if they just cut the line  
10 straight.

11 So they drew out these areas here which  
12 were not African-Americans in general. That's what I  
13 heard but I don't know if that's accurate or not.

14 They were trying to keep African-Americans  
15 in my district is my understanding or at least there  
16 was some interest in doing that. So that's just what I  
17 heard.

18 Q Sure.

19 A It's all hearsay and it's stuff I heard  
20 over the years in different capacities.

21 Q Absolutely. And we touched on -- then the  
22 whole of Warren County is part of this district?

23 A Correct.

24 Q And do you think that the two portions of  
25 the Cincinnati waterfront that are split into District

1 S. Chabot

2 1 and District 2 have more in common with one another  
3 than do the west side of Cincinnati and Warren County?

4 MS. MCKNIGHT: Objection.

5 A I couldn't venture a guess as to that.

6 Q So you couldn't venture a guess as to  
7 whether two halves of the city of Cincinnati have more  
8 in common with each other than does half the city of  
9 Cincinnati and Warren County?

10 MS. MCKNIGHT: Objection.

11 A Yes. To further add to what I remember  
12 what I heard, there had always been -- down in our area  
13 we always had two representatives in Hamilton County.

14 It's always been city of Cincinnati has  
15 two, although they won't after the next time around  
16 because the city's gonna be whole. So we've always had  
17 two representatives down our way.

18 I think people like having two people  
19 representing them rather than just one. If you put the  
20 county together as one, you only have one person  
21 representing them. I think the city's idea was we'll  
22 have more power if we have two down our way.

23 So, again, I don't know how much truth  
24 there is in any of that, but this is stuff you pick up  
25 over the years that people say.

1 S. Chabot

2 Q In February of this year you spoke at the  
3 annual Ohio GOP Lincoln Reagan Day Dinner; is that  
4 correct?

5 A I did.

6 Q At that time did you state, "Thanks to  
7 great state representation, Warren County came into my  
8 district"?

9 A I think I did say that, yeah.

10 Q What did you mean that it was great state  
11 representation that put Warren County into your  
12 district?

13 A Well, there was one finally, I represented  
14 it and I really liked Warren County a lot and I  
15 appreciated it.

16 Q Why is it that you really like Warren  
17 County a lot?

18 A They're great people and they're really  
19 nice. The people in Hamilton County are great, too.  
20 I've got the best congressional district in Ohio.

21 Q And if the city of Cincinnati was whole,  
22 and as you say it will be in the 2020 redistricting,  
23 would those people on the east side of Cincinnati be  
24 equally great people as those in Warren County?

25 A Not until they get into my district, then

1 S. Chabot

2 they will be.

3 Q So would it be the case that you would be  
4 equally happy if in the 2011 redistricting you did not  
5 have Warren County added to your district, provided  
6 Warren County was kept whole otherwise and the first  
7 district was confined to Hamilton County?

8 MS. MCKNIGHT: Objection.

9 A No, it wouldn't be. I want to keep Warren  
10 County. I love Warren County.

11 Q And why is that?

12 A Because they're great people.

13 Q And in 2011, did you advocate to anyone  
14 that Warren County be added to your district?

15 A Not that I recollect.

16 Q And so around the 2011 redistricting, did  
17 you have any opinion about what your district would be  
18 drawn to be?

19 A Could you repeat that?

20 Q In around the 2011 redistricting, did you  
21 have any opinion about how the lines of your district  
22 would be drawn?

23 A I had an opinion to some degree, yeah. I  
24 mean, I wanted a district that I could continue to  
25 represent.

1 S. Chabot

2 Q And what do you mean by a district you  
3 could continue to represent?

4 A I could get elected in it and continue to  
5 give them, I think, the great representation that they  
6 have.

7 Q And at the Lincoln Reagan Day dinner, did  
8 you further say that, "Democrats run up the vote in the  
9 city part of the district and so we," I take it you're  
10 referring to Republicans as you're speaking at a GOP  
11 dinner, "have to run up the vote in the county  
12 portion," referring to Warren County"?

13 A I don't recall saying that. But I wouldn't  
14 have been just referring to Warren County. I mean,  
15 there's -- I do much better in this part of the  
16 district outside the city than I do in the city. I  
17 mean, there's no question about that.

18 So if I was talking about Warren County, I  
19 was talking about all the areas. I don't specifically  
20 remember saying it, but if you have a quote there and I  
21 said it then I'm not saying I didn't.

22 Q After you won in the most recent election,  
23 a little less than a month ago, on election night did  
24 you say that you didn't expect to do as well in some of  
25 the urban areas but that because of Warren County you

1 S. Chabot

2 thought you could overcome that deficit from the urban  
3 areas?

4 A I don't remember saying that, no.

5 Q Does that sound like something you would  
6 think to be the case about the first district?

7 MS. MCKNIGHT: Objection.

8 A The urban areas tend to be more Democratic  
9 and the more suburban rural areas tend to be more  
10 Republican. So, I mean, it makes political sense to me  
11 but I don't recall saying it.

12 Q Are you familiar with the News 5 in  
13 Cincinnati?

14 A News 5, Channel 5, the news, yeah, I'm  
15 familiar with them.

16 Q And would it surprise you to learn that  
17 they reported that this is what you said on election  
18 night?

19 A It doesn't surprise me. I just don't  
20 recall saying that specifically.

21 Q Are you familiar with the fact that the  
22 plaintiffs, as part of their case, have submitted a  
23 remedial map?

24 A No.

25 Q I would now like to show you a document I'm



1 S. Chabot

2 having marked as Exhibit 9.

3 (Chabot Exhibit 9, Remedial Map Submitted  
4 by Plaintiffs, marked for identification as of this  
5 date)

6 Q And this document is the remedial map that  
7 plaintiffs have submitted in this case.

8 In this map would you agree that Butler  
9 County is kept whole within a district?

10 A Yep.

11 Q And would you also agree that Warren County  
12 is kept whole within a district?

13 A According to this map it is, yes.

14 Q And those are two of the things that you  
15 had testified to that were important about how the 2011  
16 redistricting put the map together; is that correct?

17 A Yes.

18 Q And in this map, the District 1 is confined  
19 to Hamilton County; is that correct?

20 A All of District 1 you have in Hamilton  
21 County.

22 Q Yes. And would it surprise you to learn  
23 that this District 1 has a higher percentage of  
24 African-Americans keeping the whole of Cincinnati  
25 together than does District 1 under the current

1 S. Chabot

2 congressional map?

3 A It wouldn't surprise me or I wouldn't say  
4 it's not true either. I just don't know.

5 Q Just don't know.

6 And you had stated that you had previously  
7 heard that one of the reasons that District 1 was not  
8 drawn to the east side of Cincinnati was about  
9 preserving African-American representation; is that  
10 correct?

11 MS. MCKNIGHT: Objection.

12 A That was to keep it in our district.  
13 That's what I had heard. That's what I heard.

14 Q Okay. Now let's zoom in on proposed  
15 remedial District 1 which I'm having now marked as  
16 Exhibit 10.

17 (Chabot Exhibit 10, Map of Proposed  
18 District 1, marked for identification as of this date)

19 Q Looking at this map of Proposed District 1,  
20 do you observe any problem with this map such that the  
21 court shouldn't institute it?

22 MS. MCKNIGHT: Objection.

23 A I don't think it's -- it's in my place to  
24 tell the court what they should or shouldn't do.

25 Q And do you think there's anything

1 S. Chabot

2 problematic with District 1 wholly being within, within  
3 Hamilton County as it is here in this proposed remedial  
4 district?

5 MS. MCKNIGHT: Objection.

6 A You have very little representation by a  
7 second member of Congress really. You've got a little  
8 bit on the east side there but that's it. And I think  
9 the people of our area are used to having two people  
10 they can go to. And one would have a minimal interest  
11 at all in Hamilton County.

12 Q And you've brought it up before, you're  
13 familiar with Issue 1, the ballad initiative that was  
14 passed with an overwhelming majority in May of this  
15 year?

16 MS. MCKNIGHT: Objection.

17 A When I think of Issue 1 now, I think of the  
18 drug thing that went down. What was Issue 1? I don't  
19 remember.

20 Q The Issue 1 in the May 2018 election?

21 A That's the new thing that the legislature  
22 did.

23 Q Yes.

24 A I recall it somewhat.

25 Q So it was passed by the legislature and it

1 S. Chabot

2 was then placed on the ballad and voted in by the  
3 citizens of Ohio.

4 A All right. That, yes.

5 Q And under that mandate, Cincinnati will  
6 have to be kept whole within a congressional district,  
7 'is that true?

8 MS. MCKNIGHT: Objection.

9 A Cincinnati would have to be, right, the  
10 city of Cincinnati.

11 Q Once that occurs, will that cause  
12 Congressional District 1 to be kept within Hamilton  
13 County to have that population of the city within one  
14 congressional district?

15 MS. MCKNIGHT: Objection.

16 A No.

17 Q And why not?

18 A Because it doesn't have to be in one -- one  
19 county.

20 Q Once the city of Cincinnati is kept whole,  
21 what other portions of southwest Ohio do you think will  
22 be within the congressional district?

23 A I have absolutely no idea.

24 Q Are there any portions of southwest Ohio  
25 that you think make the most sense to be included in a

1 S. Chabot

2 congressional district with the whole of the city of  
3 Cincinnati?

4 A I don't know at this time. We'll have to  
5 wait and see what the legislature does and how they  
6 look at this.

7 Q Is it your understanding -- you've said  
8 that Democrats tend to garner more votes within the  
9 urban areas. Would those urban areas include the city  
10 of Cincinnati?

11 MS. MCKNIGHT: Objection.

12 A Some of them.

13 Q And would you agree that keeping the city  
14 of Cincinnati whole within District 1 would make a more  
15 competitive district for a Democratic challenger  
16 running against you?

17 MS. MCKNIGHT: Objection.

18 A Depends on what the rest of the district  
19 looks like. I won by four points this last time.  
20 Sounds like a pretty competitive election to me.

21 Q And we have talked about the city part and  
22 then other parts referred to as the county parts of the  
23 district. Do you think it makes sense for the city of  
24 Cincinnati to be kept in one district so those  
25 residents can have their particular interests

1 S. Chabot

2 represented?

3 A I think one could argue either way. You  
4 could argue it makes sense. You could also say the  
5 city should be split and have two representative as it  
6 has had for I think the last 200 years.

7 Q And would you agree that currently the  
8 eastern half of the city of Cincinnati in District 2 is  
9 connected to a number of other counties that are much  
10 more rural than the city?

11 A Could you repeat that? I didn't quite  
12 catch it.

13 Q Sure. In the current congressional map, if  
14 you want to flip back I think it's Exhibit 7.

15 A Okay.

16 Q Would you agree that the eastern half of  
17 the city of Cincinnati that's in District 2 --

18 A The eastern half of the city of Cincinnati?

19 Q Yes. Which is in District 2?

20 A Yes.

21 Q It's that portion of District 2 that comes  
22 into Hamilton County, is connected to a number of much  
23 more rural districts -- excuse me, much more rural  
24 counties than the city of Cincinnati is?

25 A I think that's probably true.

1 S. Chabot

2 Q And have you faced any issues in Congress  
3 where the interests of the residents of the city of  
4 Cincinnati are much different than the interests of the  
5 residents of Warren County and the more rural persons  
6 of the district?

7 MS. MCKNIGHT: Objection.

8 A I don't really have -- I'd have to have  
9 some specific comment on it.

10 Q And do you recall the vote related to  
11 federal funding of the Cincinnati street car project?

12 A I do remember that.

13 Q And how did you vote on that issue?

14 A I'm not sure if we had a -- was there a  
15 congressional vote on that? I don't recall that.

16 Q As far as I understand it there was a  
17 question of federal funding for that project.

18 A I think that happened when Driehaus was  
19 there and Driehaus voted for it I think. But I'm not  
20 absolutely positive.

21 Q Okay.

22 A I wasn't a big fan of the street car. Most  
23 of the residents of the city in Cincinnati that I  
24 talked to aren't big fans and they're even less fans  
25 now that we actually have it because it's a complete

1 S. Chabot

2 disaster.

3 Q Okay. And do you think if the city of  
4 Cincinnati would be kept whole that would allow the  
5 congressional representative for that district to take  
6 into account views of everyone, of all of the residents  
7 of the city of Cincinnati as opposed to splitting the  
8 east side from the west side?

9 MS. MCKNIGHT: Objection.

10 A I would hope that whoever represents  
11 whatever portions they represent try to represent the  
12 views of all the people within the areas that he or she  
13 represents.

14 MS. LEE: Can we go off the record.

15 (Off the record discussion.)

16 BY MS. LEE:

17 Q So turning back to Exhibit 10, which is the  
18 proposed remedial District 1. And so the portions of  
19 Hamilton County that are added into this district to  
20 create this proposed remedial District 1, do you know  
21 what the constituents in that area look like? What  
22 type of region it is that's been added?

23 MS. MCKNIGHT: Objection.

24 A Not really. I don't know exactly what you  
25 mean what they look like.



1 S. Chabot

2 Q So is it largely an urban portion has been  
3 added that is not currently in District 1 that's in  
4 Hamilton County?

5 MS. MCKNIGHT: Objection.

6 A It's a mixture. There's some urban,  
7 there's some that's not urban. You've got Blue Ash,  
8 you've got Deer Park and Kenwood, Madeira. Those are  
9 all, you know, more suburban areas and then you've  
10 probably got areas that isn't identified in the city  
11 which are more urban so it's kind of a mixture.

12 Q If this was your district, could you  
13 represent the constituents in this district?

14 A I hate to speculate, but I would try to do  
15 my best for whoever I'm representing. I always do.

16 Q And in this proposed remedial district do  
17 you have an idea of what your electoral prospects would  
18 look like?

19 MS. MCKNIGHT: Objection.

20 A Not really. I would have to sit down and  
21 go through the numbers and all that sort of thing and  
22 I've never looked at this district before to my  
23 knowledge.

24 Q And we had discussed earlier about the  
25 speech at the Lincoln Reagan Day Dinner and the

1 S. Chabot

2 reporting on election night that you had said that the  
3 Democrats tend to run up the vote in the urban areas  
4 and you do better in the county portions of the  
5 district; is that right?

6 MS. MCKNIGHT: Objection.

7 A I said something like that apparently and  
8 I'm not saying I didn't. I just don't recall exactly  
9 what I said.

10 Q And does that -- does the substance of that  
11 sound to be true?

12 A The substance of that sounds to be true.  
13 Generally urban areas tend to be more Democratic,  
14 nonurban areas tend to be more Republican. But, again,  
15 more Republican -- depends on what state you're in,  
16 too.

17 Q And in the southwest portion of Ohio in the  
18 proposed remedial district, this has increased the  
19 urban areas that are included in the district from its  
20 current composition. Would you agree with that?

21 MS. MCKNIGHT: Objection.

22 A It does do that. If it contains all of  
23 Cincinnati by definition it would have more urban  
24 areas.

25 Q And in those areas a Democratic candidate

1 S. Chabot

2 you think would be more likely to be supported than a  
3 Republican candidate; is that true?

4 MS. MCKNIGHT: Objection.

5 A I think in general that would be true.

6 Q And do you think in a district like this a  
7 Democratic candidate would then be more competitive  
8 running against you?

9 MS. MCKNIGHT: Objection.

10 A When you say they'd be more competitive, I  
11 think you would also have to look and see could a  
12 Republican candidate be at all competitive in a  
13 district like this. I don't know. Again, we would  
14 have to look at the numbers.

15 Q We had spoken earlier about constituent  
16 groups that you've met with; is that correct?

17 A I remember that coming up, yes.

18 Q And do you ever speak to constituent groups  
19 that are invited to speak at particular -- do you ever  
20 speak at events that you've been invited to by your  
21 constituents?

22 A Yes.

23 Q Have you ever been invited to a League of  
24 Women Voters Voter Forum?

25 A The League of Women Voters were involved in

1 S. Chabot

2 the debate we just had. They were one of the  
3 representative groups that reached out to put that all  
4 together and I agreed to appear in the debate or forum  
5 or whatever you want to call it. They also do the -- I  
6 think it's called the who and what or something, the  
7 paper that they put together that goes to the library  
8 in different places and we participate in that, answer  
9 their questions and put -- they put it out to the  
10 public. So, yes.

11 Q And have you ever been invited to an event,  
12 a voter engagement event hosted by the League of Women  
13 Voters that you did not attend?

14 A I don't recall. We attended the debate  
15 this time. You know, we usually do a few debates each  
16 campaign, usually three. I don't recall how they were  
17 involved in the past.

18 Q Okay.

19 A I've generally done those -- the election  
20 things that they put out, the materials that the League  
21 of Women Voters puts out, I've generally participated  
22 in that. I don't specifically remember not doing  
23 something that they wanted but it's possible.

24 Q And do you have any recollection of  
25 Hamilton County Young Democrats reaching out to you and

1 S. Chabot

2 your office regarding issues surrounding gun control?

3 A They may have. I mean, I've had people  
4 reach out to me relative to so-called gun control but I  
5 don't recall it being the Young Democrats. They may  
6 have. There may have been some of them that were in  
7 with a group or something.

8 Q And do you have any recollection of an  
9 event this past March that took place throughout the  
10 country called the March For Our Lives?

11 A I don't remember something called that but  
12 I know there was some large events that took place but  
13 I don't remember what they were called.

14 Q And do you recall large events, largely  
15 organized and hosted by young people throughout the  
16 country surrounding the issue of gun violence,  
17 particularly in schools?

18 MS. MCKNIGHT: Objection.

19 A Yes, I do remember that, yeah.

20 Q And do you remember you or your office ever  
21 being reached out to regarding that issue specifically?

22 A When you say that issue, do you mean gun  
23 control?

24 Q I mean the issue of gun violence  
25 particularly within schools.

1 S. Chabot

2 A Yes, I remember people reaching out about  
3 that, yes.

4 Q And what has your response been to  
5 constituents who have reached out concerned about that  
6 issue?

7 A I introduced legislation which addressed  
8 that issue. It became law.

9 Q What legislation is that?

10 A After the Parkland shooting, there was an  
11 effort by Congress to act, actually put something  
12 together that would reduce gun violence and  
13 vulnerability of kids in the schools.

14 So I met with the head of the FOP in  
15 Cincinnati and said, "Hey, look, is there something we  
16 could actually do," and we crafted legislation and  
17 introduced it along with John Rutherford. He's a  
18 congressman from Florida. He was a sheriff prior to  
19 coming to Congress. It became part of the, I forget  
20 the exact name of the bill, but it was a safety in the  
21 schools type legislation.

22 And we introduced it in the House. It  
23 passed. They combined his bill and my bill together  
24 and passed House and the Senate and President Trump  
25 signed it into law. That was specifically in response

1 S. Chabot

2 to the violence that we had seen in our schools.

3 Q Is representative Rutherford a Democrat or  
4 Republican?

5 A He's a Republican.

6 Q Do you recall having stated in the past  
7 that on all legislation that you introduce you intend  
8 to have a Democratic co-sponsor?

9 MS. MCKNIGHT: Objection.

10 A I oftentimes do, I try to. So, yes, I  
11 usually do have a Democrat. I don't -- there may have  
12 been -- well, there were Democrats I think that voted  
13 for it this time. But, yes, I oftentimes do have the  
14 Democrat co-sponsor the legislation that I introduce.

15 Q And did you seek a Democratic co-sponsor  
16 for the safety in schools bill that we were just  
17 discussing?

18 A I think we did. I'm not absolutely  
19 positive. Usually my staff takes care of reaching out  
20 with their staffs. There may have been Democratic  
21 representatives that did co-sponsor it.

22 I remember John Rutherford in particular.

23 Q Do you recall what the content of that bill  
24 was, what it accomplished?

25 A Yeah, it did a couple of things. It,

1 S. Chabot

2 principally, it -- the schools are kind of soft targets  
3 out there.

4 What it did was it gave additional federal  
5 funding to any school districts that wanted to take up  
6 the funding and the funding had to be for certain  
7 things. And it was basically to make the school safer.

8 It was training for teachers and guidance  
9 counselors and school personnel.

10 It's how to find those kids that have shown  
11 any kind of signals or warning signs out there that  
12 they may be dangerous, that they may have some mental  
13 issues that ought to be dealt with before, you know,  
14 tragedy happens. It taught them how to do that and  
15 what to do about it and how the schools internally do  
16 it.

17 There was also equipment, metal detectors,  
18 training as to what you do in an active shooter  
19 situation.

20 It allowed money to go for retired police  
21 officers, for school resource officers. That was the  
22 specific part -- that was the main involvement that I  
23 had. Because I was meeting with the FOP head, his name  
24 is Dan Hills. He's the head of the FOP in Cincinnati.  
25 He had said our people retire after 25 years of



1 S. Chabot

2 service. They're in the early 50s. They're the best  
3 trained people. They're looking for jobs, security  
4 jobs and this and that. They would make great school  
5 resource officers. Not all of them but a lot of them.  
6 So this allows money to go for that.

7 That's what the legislation did in general.  
8 There are other things, too, but that was the main  
9 point of it.

10 Q Is it the case that that legislation did  
11 not specifically target access to guns but was about  
12 resources within the schools themselves? Is that a  
13 fair description?

14 A I'd say that's a fair description of it.

15 Q Are you familiar with the local chapters of  
16 the A. Philip Randolph Institute?

17 A The A. Philip Randolph Institute? Doesn't  
18 ring a bell.

19 Q It is an organization of largely  
20 African-American trade unions. Does that ring any bell  
21 at all?

22 A Not really. I know what African-Americans  
23 are and I know what trade unions are. I don't remember  
24 an organization being associated with that.

25 Q Okay. So you have no recollection of being

1 S. Chabot

2 reached out to or being invited to any events or sought  
3 a meeting with you by the local chapter of the A.  
4 Philip Randolph Institute?

5 A Not specifically. Oftentimes I'm aware of  
6 it because it's on my schedule. My staff get all kinds  
7 of invitations. They first have to figure, am I going  
8 to be in town, do I have something else that's  
9 conflicting with that and that kind of thing. I  
10 usually don't -- there are very few things I'll decide,  
11 yeah, I'll put that in the schedule. Usually they put  
12 it on there.

13 Q And if you were invited to some sort of  
14 constituent or voter engagement event and were also  
15 invited to a Republican Party fundraising event, how's  
16 the decision made which of the two events you would  
17 attend in your schedule?

18 A It would depend whether we accepted one  
19 event or another. We try not to conflict things like  
20 that. On a Republican fundraising event we would  
21 generally be setting it up ourselves. So we wouldn't  
22 put it in a time where it would conflict with somebody  
23 else's things. So we generally try to minimize those  
24 kinds of conflicts so we can attend both.

25 Q And is Lisa, who you mentioned earlier as

1 S. Chabot

2 your scheduler, sort of the point person for managing  
3 the calender with issues such as conflicts like that?

4 A That's right. Now, we generally have a  
5 person on the campaign that's handling campaign events.  
6 She doesn't really handle that kind of stuff but she's  
7 allowed to put it on the schedule. You have to make  
8 sure that you're not using official resources for a  
9 political campaign, even in scheduling things.

10 They're a little more understanding because  
11 you've got to, they have to coordinate with each other.

12 So we generally have somebody on the  
13 campaign that works with her to handle those kinds of  
14 things. So it's not just Lisa, but ultimately she's  
15 the main person.

16 Q Okay. A couple final questions.

17 Turning back to Exhibit 9, which is the  
18 proposed -- the whole proposed map not just District 1?

19 A Let's see. I see it.

20 Q Is there some reason that you think this  
21 map wouldn't work as the congressional map for the  
22 state of Ohio?

23 MS. MCKNIGHT: Objection.

24 A I can't speak to all the other districts  
25 but just looking at mine, I think that the biggest flaw

1 S. Chabot

2 is basically for the most part Hamilton County has one  
3 vote in the Congress rather than two. So I think their  
4 interests are adversely impacted by that.

5 Q And following the 2020 redistricting  
6 because the city of Cincinnati has to be kept whole, do  
7 you think that will, again, be the case for District 1?

8 MS. MCKNIGHT: Objection.

9 A I think that adversely impacts but it's  
10 happened so I'm not -- I mean, it's going to happen. I  
11 think it does adversely impact the city of Cincinnati  
12 itself. But it's the law so it's the law so we'll  
13 follow it.

14 But I don't think just because you did one  
15 dumb thing that you have to do another dumb thing to  
16 the entire county and have just one basic vote there  
17 because that's what you would be doing if you went with  
18 this map here.

19 Hamilton County would lose considerable  
20 power when we're trying to get federal grants, get  
21 federal attention. There would be one of us doing it  
22 rather than two. Yes, you would have a little bit over  
23 here. But everybody would know that this is a really  
24 small part of his or her job.

25 Q And previously you had said that one thing

1 S. Chabot

2 that was sought to have happen after the 2011  
3 redistricting was to keep Butler County whole and to  
4 keep Warren County whole. As to each of those  
5 districts, wouldn't that, each of those counties,  
6 excuse me, wouldn't it then be the case that for each  
7 of those counties there would be a single congressional  
8 representative?

9 A It does but we have 88 counties in the  
10 state. You know, we have 16 representatives. So  
11 you're gonna try to have a number of the counties  
12 grouped together and that's so -- it makes sense there.

13 When you have a large county like Hamilton  
14 County it doesn't make sense because you really --  
15 really, the county is losing power there. They're  
16 losing a lot of the ability they have to get resources  
17 at the federal level.

18 Right now they have Brad Wenstrup has a lot  
19 to say about Hamilton County right now. He'd have much  
20 less input on what the county would get here, or  
21 whoever's in the district down the road.

22 Q So you think it's sort of materially  
23 different if it's a large county or a county with less  
24 population that's going to be linked to other counties  
25 within a district?

1 S. Chabot

2 MS. MCKNIGHT: Objection.

3 A I do, yes, absolutely.

4 Q And can you expand on why that might be?

5 A Well, you don't have much choice when  
6 you've got smaller counties. They're gonna be -- you  
7 can't come anywhere near putting a congressional  
8 district in one of the counties that has 50,000 people  
9 in it or whatever they have. So they're gonna have to  
10 be joined together. So it makes some sense to have  
11 those counties as one. That can be a goal.

12 But you're also not going to have one here  
13 in any event, you're gonna have two. So if you're  
14 gonna have two representations you might as well have  
15 something where both are going to have some clout here  
16 in Washington on their behalf. This basically takes  
17 that away.

18 That's why they probably shouldn't have  
19 done it for the city either but the city sometimes does  
20 dumb things, like the street car and I would argue  
21 making itself a sanctuary city, I think that's a  
22 mistake. They've done it.

23 Now, this is something the legislature did,  
24 not the city. Although the city may have had some  
25 involvement in that, I don't know.

1 S. Chabot

2 Q Do you understand that Issue 1, the  
3 redistricting Issue 1 from May, was passed by the  
4 entirety of the Ohio citizens through initiative  
5 process?

6 A I'm aware of that.

7 Q So it wasn't just the city of Cincinnati  
8 that decided it should be put together.

9 A Certainly not. The legislature ultimately  
10 passed it and the people voted up or down and my guess  
11 is that one tiny part of the issue probably was never  
12 thought of by the vast majority of the voters. That  
13 was one minor thing in a bigger thing.

14 They wanted to reform Ohio. I voted for  
15 it, too. I wanted to reform Ohio. When I say voted  
16 for it, I mean as a citizen.

17 But there were things in it which I think  
18 were not good, which is fairly common in legislation.  
19 We have things pass up here and have a thousand things  
20 in here and I like 900 of them and there's a 100 I  
21 don't. So do I vote against it because I didn't like  
22 the 100 or do I vote for it because -- so these are  
23 decisions that we all have to make.

24 Q Sure. In Representative Wenstrup's current  
25 district do you know how much of his district is within

1 S. Chabot

2 Hamilton County?

3 A I don't. I mean, you can look at a map and  
4 say how much. I don't know what percentage it is or  
5 anything like that.

6 Q Okay.

7 MS. LEE: That's all I have. Thank you  
8 very much for your time, Congressman.

9 MS. MCKNIGHT: I just have a few redirect.

10 EXAMINATION

11 BY MS. MCKNIGHT:

12 Q In your role as a congressman, do  
13 constituents contact you?

14 A Yes.

15 Q And how do you respond to constituents when  
16 they contact you?

17 A We try to help them. Try to assist them in  
18 whatever it is they're contacting us about. Oftentimes  
19 it's, you know, could be a matter has to do with the  
20 IRS or Social Security or Medicare, a whole range of  
21 federal issues. Or they may be wanting to bring their  
22 family to Washington and have a tour of the Capital  
23 building or school groups come up here. So they  
24 contact us and we try to assist them.

25 Q Does your office respond to phone calls?



1 S. Chabot

2 A Yes.

3 Q Does your office respond to emails?

4 A Yes.

5 Q And when constituents contact your office,  
6 do you or does your office know if they're a Democrat  
7 or a Republican?

8 A No. We wouldn't know that.

9 Q And does it matter?

10 A No.

11 Q And when constituents contact your office,  
12 do you know if they voted for you or not?

13 A No.

14 Q Does it matter?

15 A No.

16 Q Do you participate in candidate debates?

17 A Yes.

18 Q Do you participate in candidate nights?

19 A Yes.

20 Q Do you participate in candidate forums?

21 A Yes.

22 Q How do you decide which of these events to  
23 participate in?

24 A Well, scheduling more than anything else  
25 because I'm in Washington usually four days a week and

1 S. Chabot

2 I go back to my district when I'm not here and so the  
3 first thing would be am I going to be up here or back  
4 there. If I'm going to be back there, we try to make  
5 as many of them as possible.

6 The only reason we wouldn't make something  
7 in general is if there's a conflict or we have  
8 something else scheduled or I've told my wife that I  
9 was going to do something with the family or something  
10 like that.

11 So we make them based upon our ability to  
12 get there and that sort of thing.

13 Q And if two different candidates nights were  
14 scheduled on the same night, how would you choose  
15 between the two?

16 A I generally try to make them both. You  
17 know, I try to get the beginning of one and then the  
18 tail end of the other. I try to do -- I would try to  
19 do them both which wouldn't be at all unusual because I  
20 oftentimes will hit several different things. It could  
21 be three, four, five events sometimes.

22 Q Does your office fill out the League of  
23 Women Voters candidate questionnaire?

24 A Yes. Now, when you say office, it would be  
25 my campaign that would do it. Not my official office.

1 S. Chabot

2 The campaign would fill it out because it's a campaign  
3 type thing.

4 Q How often are you present in your district?

5 A Every weekend and then part -- usually  
6 we're up here, in a month, you have four weeks, I know  
7 it's a little bit more than that, but in a typical  
8 month if you have four weeks, usually there's three  
9 weeks we're up here and the one week we're back home.

10 Then the weeks we're up here, we're usually  
11 up here Monday through Thursday or Tuesday through  
12 Friday so it's usually four days up here and three days  
13 back there in general.

14 Now, I'm on the Foreign Affairs Committee  
15 where there might be some weekend I'm in Pakistan or  
16 something on official congressional business, but in  
17 general when I'm not here, I'm back at my district  
18 keeping in touch with the people that I represent.

19 Q How many different offices do you have?

20 A I've got my official office here in the  
21 Rayburn Building. I've got my official office in  
22 Cincinnati, it's in a building called the Carew Tower  
23 in downtown Cincinnati. Carew is C-A-R-E-W.

24 And then in Warren County, right in the  
25 heart of Warren County in a place called Lebanon, I

1 S. Chabot

2 have an office there in Lebanon also.

3 Those are my three official offices, one  
4 here, two back in the district, one in each county.

5 And then I have a campaign office. Right  
6 now we have two but we're going to be down to one  
7 because the election is over.

8 Q Can constituents visit any one of those  
9 offices?

10 A Yeah, constituents would usually come to  
11 one of the official offices. If it was a campaign  
12 matter they would come to one of the campaign offices.

13 Q And do they go to those offices?

14 A Yeah, very -- even if I'm not there because  
15 then my staff would be meeting with them. But if I'm  
16 there, I'll meet with them. Although my staff takes  
17 care of a lot of things.

18 Typically what happens is if it's a  
19 constituent matter, my staff takes care of it and if  
20 there's a problem and a phone call from me to the IRS  
21 or Social Security or something will help or, you know,  
22 with an embassy for that matter.

23 Sometimes they've got a family member  
24 that's stranded over somewhere and they're trying to  
25 get back or it could be a immigration case. So they

1 S. Chabot

2 can come in, meet with me, but my staff oftentimes  
3 takes care of a lot of this stuff. That's why we have  
4 staffs. If it's a problem then they'll tell me and  
5 I'll step in.

6 Q And the help you just described that either  
7 you give or your staff gives, is that contingent on the  
8 constituent being a Republican?

9 A Not at all, no. We would do the same thing  
10 no matter -- I would not -- 99 in 99/100ths percent of  
11 the time I would have no idea whether they were  
12 Republican or Democrat and I would care less.

13 Q If a Democratic voter contacted you, would  
14 you listen to their views?

15 A Absolutely.

16 Q About how many people are in your district?

17 A It's approximately 730,000. So  
18 three-quarters of a million approximately, little less  
19 than that. When they do the census, you know, it's  
20 going to change during the course of the year. We're  
21 getting a little into the census now. It's a little  
22 harder to say what it is now. It's about 550 or so  
23 thousand people in Hamilton County in my district and  
24 about 220 or 30 or so from in Warren County, they're in  
25 my district.

1 S. Chabot

2 Q Would you agree that it's your job to  
3 represent all members of your district regardless of  
4 party affiliation?

5 A Yes, absolutely.

6 MS. MCKNIGHT: Thank you, Congressman. No  
7 further questions.

8 EXAMINATION

9 BY MS. LEE:

10 Q As always. I just have a couple more.  
11 So regarding constituent contact, you had  
12 testified earlier that once in a while certain things  
13 may fall through the cracks. Is that true?

14 A Yeah, I'd like to say it's not true but it  
15 is.

16 Q We're all human. So if the office of the  
17 mayor of Cincinnati contacted your office with a  
18 constituent service need, would your office respond to  
19 that?

20 A We would, even though he's run against me  
21 twice for Congress. I beat him both times.

22 Q And you had just said a little bit ago if  
23 you happened to be in the district you may meet with  
24 constituents who come?

25 MS. MCKNIGHT: Objection.

1 S. Chabot

2 A Sure, yeah.

3 Q How do you determine whether you meet with  
4 someone or whether your staff meets with them?

5 A My staff puts it on the schedule and I  
6 follow my schedule basically. And if it's constituents  
7 that I'm meeting with, I meet with them. If the  
8 staff's taking care of it, then I oftentimes wouldn't  
9 know, you know, that it's going on because they're  
10 handling it. They're really good.

11 Q And do you think it's the case that your  
12 staff puts on your schedule meetings that they consider  
13 more important for you to take than the ones they  
14 handle themselves?

15 MS. MCKNIGHT: Objection.

16 A Could you repeat that?

17 Q Do you think it's the case that your staff  
18 puts on your schedule meetings that they think it is  
19 important that you take?

20 MS. MCKNIGHT: Objection.

21 A I think that's the case, yes.

22 Q And then they can handle other things on  
23 their own without putting it on your schedule?

24 A That's accurate, I think, if I understand  
25 what you're saying. The more important things you do

1 S. Chabot

2 and the less important things you don't have the time  
3 for because you're doing more important things.

4 Q Yes.

5 A So and the staff oftentimes determines  
6 that.

7 Q We had looked at an email earlier where you  
8 had been emailing with Ms. Towns, the executive  
9 assistant to Mr. Farmer. Do you recall that?

10 A I do recall that.

11 Q And you had reached out to Mr. Farmer using  
12 your Steve Chabot 11 Gmail address; is that correct?

13 A I don't recall what -- I think that's what  
14 it was but I don't recall if it was that. Is that what  
15 it was?

16 Q If we want to flip back, it's Exhibit 4 in  
17 the pile in front of you?

18 A If that's what it says it was, I don't  
19 remember what it was.

20 Q Would you agree that most of your  
21 constituents don't have access to you through your  
22 Gmail address?

23 A That's probably the case but I don't know.

24 Q Do you have any idea how it's determined  
25 which constituents might have access to your Gmail



1 S. Chabot

2 address?

3 A Not exactly. I mean, no, I mean, I don't  
4 know.

5 Q Do you think it's at all related to the  
6 amount they've given in fundraising to your campaigns?

7 A That might be why that's a personal email  
8 because if you're talking -- we don't talk about money  
9 on our government stuff. We just wouldn't. It sounds  
10 like, you know, it was campaign related and therefore  
11 it was on my email I guess because we didn't want it to  
12 be on official, I'm guessing.

13 I'm assuming that there must have been a  
14 fundraising letter sent to them at some point and they  
15 responded to that because it sounds like there's two  
16 separate things being talked about there.

17 One is, it says something about districting  
18 and the other says, oh, by the way, there's \$5,000. So  
19 I'm assuming that one was campaign and the other things  
20 whatever. But I don't recall because I don't recall  
21 either one of them.

22 Q So you don't think the fundraising and the  
23 redistricting matters were linked together at all?

24 A No, I don't. I think that -- when I saw  
25 that I'm trying -- what is it? That's the only thing I

1 S. Chabot

2 can figure out. I must have had a fundraising letter  
3 and we were talking about something or somebody on my  
4 behalf apparently was talking about -- was it saying  
5 meeting with him or something? I forget what it said.

6 Q You asked if he had a few minutes to talk  
7 this week and it is signed thanks, Steve, but?

8 A I'm guessing, just guessing. I told you  
9 there's a whole bunch of people that have my email that  
10 are staff people. The campaign people have my email,  
11 too.

12 What I'm guessing, this is strictly me --  
13 the only thing that makes sense to me here is one of  
14 the people on the campaign has my email stuff and they  
15 know it can't be on the government, so sent an email  
16 from me kind of reaching out to somebody about -- about  
17 that. You know, I guess. But I just don't know  
18 because it's not on our official stuff. It's on a  
19 personal thing from me which is what you should do.

20 You don't want to have your official office  
21 reaching out on something like that. It's for me but I  
22 don't recollect because I have a number of people that  
23 have that and I'm guessing one of the campaign people  
24 did it. And I'm guessing that we send the fundraising  
25 letters out a number of times a year and we have events

1 S. Chabot

2 where we have a fundraiser and we sent out stuff and

3 said hey, I've got fundraiser coming up.

4 And apparently -- Dick Farmer, I know he's

5 a supporter, I know who he is. And he's been a

6 contributor to us and virtually every other Republican

7 and probably a lot of Democrats, too.

8 I'm thinking there were two things going on

9 and that's why they kept it on the one because it --

10 but, again, I was surprised at that as you all are as

11 far as when I saw it and heard about it. That's all I

12 can make of it.

13 Q And do you think it's the case that

14 individuals who give low dollar amounts to your

15 campaign, \$20, \$100, wouldn't be receiving emails from

16 your personal email address?

17 A I don't know. I didn't send that one.

18 Apparently that one went out under my name but I don't

19 recall sending that myself.

20 Q And when your staffers send email from your

21 Gmail address, do they sign your name off on it?

22 A Oh yeah, yeah. And I think, again, I think

23 that was a campaign person that sent that, when you say

24 staffer. I think that was a campaign person that sent

25 it out. So, I mean, but, again, I'm just trying to

1 S. Chabot

2 figure it out.

3 Q Sure.

4 A I'm not saying that is what happened. It's  
5 the only thing that makes any sense to me.

6 Q Gotcha.

7 MS. LEE: Thank you.

8 MS. MCKNIGHT: No further questions.

9 Except, for the record, we would like to  
10 designate the entire transcript as confidential  
11 pursuant to the protective order. We can deal with any  
12 issues outside the deposition.

13 We would like to read and sign, please.  
14 And, on the record, we would like to order an expedited  
15 transcript.

16 (Deposition adjourned at 1:41 p.m.)

17

18 \_\_\_\_\_

19 STEVEN J. CHABOT

20

21 Subscribed and sworn to before me

22 this \_\_\_\_ day of \_\_\_\_\_, 2018.

23

24 \_\_\_\_\_

25 (Notary Public) MY COMMISSION EXPIRES: \_\_\_\_\_

1 S. Chabot

2 DISTRICT OF COLUMBIA, to wit:

3 I, RONDA J. THOMAS, a Notary Public of the  
4 District of Columbia, do hereby certify that the  
5 within-named witness personally appeared before me  
6 at the time and place herein set out, and after  
7 having been duly sworn by me, according to law, was  
8 examined by counsel.

9 I further certify that the examination was  
10 recorded stenographically by me and this transcript  
11 is a true record of the proceedings.

12 I further certify that I am not related to any  
13 of the parties, nor in any way interested in the  
14 outcome of this action.

15 As witness my hand this 7th day of  
16 December, 2018.

17 

18  
19 RONDA J. THOMAS

20 Notary Public  
21  
22  
23

24 My Commission Expires:

25 October 14, 2023

Confidential

Page 150

S. Chabot

INDEX

December 3, 2018

WITNESS	EXAMINATION BY	PAGE
Steve J. Chabot	Ms. Lee	4
	Ms. McKnight	136
	Ms. Lee	142

Exhibit No.	Marked
-------------	--------

Exhibit 1	Requests for Production	9
-----------	-------------------------	---

Exhibit 2	Memorandum in Support of Motion of Republican Congressional Delegation Ohio Voters and Ohio Republican Party Organizing to Intervene	35
-----------	---	----

Exhibit 3	Reply in Further Support of the Motion of Republican Congressional Delegation Ohio Voters and Republican Party Organizations to Intervene	54
-----------	--	----

Exhibit 4	Email String	66
-----------	--------------	----

Exhibit 5	11/17/2010 Email to Susan Towns from Steve Chabot	76
-----------	--	----

Exhibit 6	Presentation of the National Republican Congressional Committee from 2012	97
-----------	---	----

Confidential

Page 151

S. Chabot

INDEX (cont.)

Exhibit 7	Congressional Districts Map of Ohio	103
Exhibit 8	First Congressional District of Ohio Map	104
Exhibit 9	Remedial Map Submitted by Plaintiffs	113
Exhibit 10	Map of Proposed District 1	114

Confidential

Page 152

1 S. Chabot

2 NAME OF CASE:

3 NAME OF WITNESS:

4 Reason Codes:

5 1. To clarify the record.

6 2. To conform to the facts.

7 3. To correct transcription errors.

8 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

9 From \_\_\_\_\_ to \_\_\_\_\_

10 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

11 From \_\_\_\_\_ to \_\_\_\_\_

12 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

13 From \_\_\_\_\_ to \_\_\_\_\_

14 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

15 From \_\_\_\_\_ to \_\_\_\_\_

16 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

17 From \_\_\_\_\_ to \_\_\_\_\_

18 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

19 From \_\_\_\_\_ to \_\_\_\_\_

20 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

21 From \_\_\_\_\_ to \_\_\_\_\_

22 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

23 From \_\_\_\_\_ to \_\_\_\_\_

24

25